

EXHIBIT E

CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE SENATE BILL 5052

Chapter 70, Laws of 2015

(partial veto)

64th Legislature
2015 Regular Session

MEDICAL MARIJUANA--REGULATION

EFFECTIVE DATE: 7/24/2015 - Except for sections 12, 19, 20, 23 through 26, 31, 35, 40, and 49, which become effective 7/1/2016; and sections 21, 22, 32, and 33, which become effective 4/24/2015.

Passed by the Senate April 14, 2015
Yeas 41 Nays 8

BRAD OWEN

President of the Senate

Passed by the House April 10, 2015
Yeas 60 Nays 36

FRANK CHOPP

Speaker of the House of Representatives

Approved April 24, 2015 2:53 PM, with the exception of Sections 36, 42, 43, 44, 45, 46, and 52 which are vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5052** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

April 25, 2015

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5052

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

State of Washington 64th Legislature 2015 Regular Session

By Senate Ways & Means (originally sponsored by Senators Rivers, Hatfield, and Conway)

READ FIRST TIME 02/10/15.

1 AN ACT Relating to establishing the cannabis patient protection
2 act; amending RCW 66.08.012, 69.50.101, 69.50.325, 69.50.331,
3 69.50.342, 69.50.345, 69.50.354, 69.50.357, 69.50.360, 69.50.4013,
4 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.043,
5 69.51A.045, 69.51A.055, 69.51A.060, 69.51A.085, 69.51A.100,
6 43.70.320, 69.50.203, 69.50.204, and 9.94A.518; adding new sections
7 to chapter 69.50 RCW; adding new sections to chapter 69.51A RCW;
8 adding a new section to chapter 42.56 RCW; adding a new section to
9 chapter 82.04 RCW; creating new sections; repealing RCW 69.51A.020,
10 69.51A.025, 69.51A.047, 69.51A.070, 69.51A.090, 69.51A.140,
11 69.51A.200, and 69.51A.085; prescribing penalties; providing an
12 effective date; providing a contingent effective date; and declaring
13 an emergency.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

15 NEW SECTION. **Sec. 1.** This act may be known and cited as the
16 cannabis patient protection act.

17 NEW SECTION. **Sec. 2.** The legislature finds that since voters
18 approved Initiative Measure No. 692 in 1998, it has been the public
19 policy of the state to permit the medical use of marijuana. Between
20 1998 and the present day, there have been multiple legislative

1 attempts to clarify what is meant by the medical use of marijuana and
2 to ensure qualifying patients have a safe, consistent, and adequate
3 source of marijuana for their medical needs.

4 The legislature further finds that qualifying patients are people
5 with serious medical conditions and have been responsible for finding
6 their own source of marijuana for their own personal medical use.
7 Either by growing it themselves, designating someone to grow for
8 them, or participating in collective gardens, patients have developed
9 methods of access in spite of continued federal opposition to the
10 medical use of marijuana. In a time when access itself was an issue
11 and no safe, consistent source of marijuana was available, this
12 unregulated system was permitted by the state to ensure some, albeit
13 limited, access to marijuana for medical use. Also permitted were
14 personal possession limits of fifteen plants and twenty-four ounces
15 of useable marijuana, which was deemed to be the amount of marijuana
16 needed for a sixty-day supply. In a time when supply was not
17 consistent, this amount of marijuana was necessary to ensure patients
18 would be able to address their immediate medical needs.

19 The legislature further finds that while possession amounts are
20 provided in statute, these do not amount to protection from arrest
21 and prosecution for patients. In fact, patients in compliance with
22 state law are not provided arrest protection. They may be arrested
23 and their only remedy is to assert an affirmative defense at trial
24 that they are in compliance with the law and have a medical need. Too
25 many patients using marijuana for medical purposes today do not know
26 this; many falsely believe they cannot be arrested so long as their
27 health care provider has authorized them for the medical use of
28 marijuana.

29 The legislature further finds that in 2012 voters passed
30 Initiative Measure No. 502 which permitted the recreational use of
31 marijuana. For the first time in our nation's history, marijuana
32 would be regulated, taxed, and sold for recreational consumption.
33 Initiative Measure No. 502 provides for strict regulation on the
34 production, processing, and distribution of marijuana. Under
35 Initiative Measure No. 502, marijuana is trackable from seed to sale
36 and may only be sold or grown under license. Marijuana must be tested
37 for impurities and purchasers of marijuana must be informed of the
38 THC level in the marijuana. Since its passage, two hundred fifty
39 producer/processor licenses and sixty-three retail licenses have been
40 issued, covering the majority of the state. With the current product

1 canopy exceeding 2.9 million square feet, and retailers in place, the
 2 state now has a system of safe, consistent, and adequate access to
 3 marijuana; the marketplace is not the same marketplace envisioned by
 4 the voters in 1998. While medical needs remain, the state is in the
 5 untenable position of having a recreational product that is tested
 6 and subject to production standards that ensure safe access for
 7 recreational users. No such standards exist for medical users and,
 8 consequently, the very people originally meant to be helped through
 9 the medical use of marijuana do not know if their product has been
 10 tested for molds, do not know where their marijuana has been grown,
 11 have no certainty in the level of THC or CBD in their products, and
 12 have no assurances that their products have been handled through
 13 quality assurance measures. It is not the public policy of the state
 14 to allow qualifying patients to only have access to products that may
 15 be endangering their health.

16 The legislature, therefore, intends to adopt a comprehensive act
 17 that uses the regulations in place for the recreational market to
 18 provide regulation for the medical use of marijuana. It intends to
 19 ensure that patients retain their ability to grow their own marijuana
 20 for their own medical use and it intends to ensure that patients have
 21 the ability to possess more marijuana-infused products, useable
 22 marijuana, and marijuana concentrates than what is available to a
 23 nonmedical user. It further intends that medical specific regulations
 24 be adopted as needed and under consultation of the departments of
 25 health and agriculture so that safe handling practices will be
 26 adopted and so that testing standards for medical products meet or
 27 exceed those standards in use in the recreational market.

28 The legislature further intends that the costs associated with
 29 implementing and administering the medical marijuana authorization
 30 database shall be financed from the health professions account and
 31 that these funds shall be restored to the health professions account
 32 through future appropriations using funds derived from the dedicated
 33 marijuana account.

34 **Sec. 3.** RCW 66.08.012 and 2012 c 117 s 265 are each amended to
 35 read as follows:

36 There shall be a board, known as the "Washington state liquor
 37 (~~and control~~) and cannabis board," consisting of three members, to be
 38 appointed by the governor, with the consent of the senate, who shall
 39 each be paid an annual salary to be fixed by the governor in

1 accordance with the provisions of RCW 43.03.040. The governor may, in
2 his or her discretion, appoint one of the members as chair of the
3 board, and a majority of the members shall constitute a quorum of the
4 board.

5 **Sec. 4.** RCW 69.50.101 and 2014 c 192 s 1 are each amended to
6 read as follows:

7 Unless the context clearly requires otherwise, definitions of
8 terms shall be as indicated where used in this chapter:

9 (a) "Administer" means to apply a controlled substance, whether
10 by injection, inhalation, ingestion, or any other means, directly to
11 the body of a patient or research subject by:

12 (1) a practitioner authorized to prescribe (or, by the
13 practitioner's authorized agent); or

14 (2) the patient or research subject at the direction and in the
15 presence of the practitioner.

16 (b) "Agent" means an authorized person who acts on behalf of or
17 at the direction of a manufacturer, distributor, or dispenser. It
18 does not include a common or contract carrier, public
19 warehouseperson, or employee of the carrier or warehouseperson.

20 (c) "Commission" means the pharmacy quality assurance commission.

21 (d) "Controlled substance" means a drug, substance, or immediate
22 precursor included in Schedules I through V as set forth in federal
23 or state laws, or federal or commission rules.

24 (e)(1) "Controlled substance analog" means a substance the
25 chemical structure of which is substantially similar to the chemical
26 structure of a controlled substance in Schedule I or II and:

27 (i) that has a stimulant, depressant, or hallucinogenic effect on
28 the central nervous system substantially similar to the stimulant,
29 depressant, or hallucinogenic effect on the central nervous system of
30 a controlled substance included in Schedule I or II; or

31 (ii) with respect to a particular individual, that the individual
32 represents or intends to have a stimulant, depressant, or
33 hallucinogenic effect on the central nervous system substantially
34 similar to the stimulant, depressant, or hallucinogenic effect on the
35 central nervous system of a controlled substance included in Schedule
36 I or II.

37 (2) The term does not include:

38 (i) a controlled substance;

1 (ii) a substance for which there is an approved new drug
2 application;

3 (iii) a substance with respect to which an exemption is in effect
4 for investigational use by a particular person under Section 505 of
5 the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the
6 extent conduct with respect to the substance is pursuant to the
7 exemption; or

8 (iv) any substance to the extent not intended for human
9 consumption before an exemption takes effect with respect to the
10 substance.

11 (f) "Deliver" or "delivery," means the actual or constructive
12 transfer from one person to another of a substance, whether or not
13 there is an agency relationship.

14 (g) "Department" means the department of health.

15 (h) "Dispense" means the interpretation of a prescription or
16 order for a controlled substance and, pursuant to that prescription
17 or order, the proper selection, measuring, compounding, labeling, or
18 packaging necessary to prepare that prescription or order for
19 delivery.

20 (i) "Dispenser" means a practitioner who dispenses.

21 (j) "Distribute" means to deliver other than by administering or
22 dispensing a controlled substance.

23 (k) "Distributor" means a person who distributes.

24 (l) "Drug" means (1) a controlled substance recognized as a drug
25 in the official United States pharmacopoeia/national formulary or the
26 official homeopathic pharmacopoeia of the United States, or any
27 supplement to them; (2) controlled substances intended for use in the
28 diagnosis, cure, mitigation, treatment, or prevention of disease in
29 individuals or animals; (3) controlled substances (other than food)
30 intended to affect the structure or any function of the body of
31 individuals or animals; and (4) controlled substances intended for
32 use as a component of any article specified in (1), (2), or (3) of
33 this subsection. The term does not include devices or their
34 components, parts, or accessories.

35 (m) "Drug enforcement administration" means the drug enforcement
36 administration in the United States Department of Justice, or its
37 successor agency.

38 (n) "Electronic communication of prescription information" means
39 the transmission of a prescription or refill authorization for a drug
40 of a practitioner using computer systems. The term does not include a

1 prescription or refill authorization verbally transmitted by
2 telephone nor a facsimile manually signed by the practitioner.

3 (o) "Immediate precursor" means a substance:

4 (1) that the commission has found to be and by rule designates as
5 being the principal compound commonly used, or produced primarily for
6 use, in the manufacture of a controlled substance;

7 (2) that is an immediate chemical intermediary used or likely to
8 be used in the manufacture of a controlled substance; and

9 (3) the control of which is necessary to prevent, curtail, or
10 limit the manufacture of the controlled substance.

11 (p) "Isomer" means an optical isomer, but in subsection (z)(5) of
12 this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
13 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
14 (42), and 69.50.210(c) the term includes any positional isomer; and
15 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term
16 includes any positional or geometric isomer.

17 (q) "Lot" means a definite quantity of marijuana, marijuana
18 concentrates, useable marijuana, or marijuana-infused product
19 identified by a lot number, every portion or package of which is
20 uniform within recognized tolerances for the factors that appear in
21 the labeling.

22 (r) "Lot number" shall identify the licensee by business or trade
23 name and Washington state unified business identifier number, and the
24 date of harvest or processing for each lot of marijuana, marijuana
25 concentrates, useable marijuana, or marijuana-infused product.

26 (s) "Manufacture" means the production, preparation, propagation,
27 compounding, conversion, or processing of a controlled substance,
28 either directly or indirectly or by extraction from substances of
29 natural origin, or independently by means of chemical synthesis, or
30 by a combination of extraction and chemical synthesis, and includes
31 any packaging or repackaging of the substance or labeling or
32 relabeling of its container. The term does not include the
33 preparation, compounding, packaging, repackaging, labeling, or
34 relabeling of a controlled substance:

35 (1) by a practitioner as an incident to the practitioner's
36 administering or dispensing of a controlled substance in the course
37 of the practitioner's professional practice; or

38 (2) by a practitioner, or by the practitioner's authorized agent
39 under the practitioner's supervision, for the purpose of, or as an

incident to, research, teaching, or chemical analysis and not for sale.

(t) "Marijuana" or "marihuana" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(u) "Marijuana concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than sixty percent.

(v) "Marijuana processor" means a person licensed by the state liquor (~~control~~) and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.

(w) "Marijuana producer" means a person licensed by the state liquor (~~control~~) and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

(x) "Marijuana-infused products" means products that contain marijuana or marijuana extracts, are intended for human use, and have a THC concentration greater than 0.3 percent and no greater than sixty percent. The term "marijuana-infused products" does not include either useable marijuana or marijuana concentrates.

(y) "Marijuana retailer" means a person licensed by the state liquor (~~control~~) and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

(z) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers,

1 whenever the existence of the salts, isomers, and salts of isomers is
2 possible within the specific chemical designation. The term does not
3 include the isoquinoline alkaloids of opium.

4 (2) Synthetic opiate and any derivative of synthetic opiate,
5 including their isomers, esters, ethers, salts, and salts of isomers,
6 esters, and ethers, whenever the existence of the isomers, esters,
7 ethers, and salts is possible within the specific chemical
8 designation.

9 (3) Poppy straw and concentrate of poppy straw.

10 (4) Coca leaves, except coca leaves and extracts of coca leaves
11 from which cocaine, ecgonine, and derivatives or ecgonine or their
12 salts have been removed.

13 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

14 (6) Cocaine base.

15 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
16 thereof.

17 (8) Any compound, mixture, or preparation containing any quantity
18 of any substance referred to in subparagraphs (1) through (7).

19 (aa) "Opiate" means any substance having an addiction-forming or
20 addiction-sustaining liability similar to morphine or being capable
21 of conversion into a drug having addiction-forming or addiction-
22 sustaining liability. The term includes opium, substances derived
23 from opium (opium derivatives), and synthetic opiates. The term does
24 not include, unless specifically designated as controlled under RCW
25 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
26 and its salts (dextromethorphan). The term includes the racemic and
27 levorotatory forms of dextromethorphan.

28 (bb) "Opium poppy" means the plant of the species *Papaver*
29 *somniferum* L., except its seeds.

30 (cc) "Person" means individual, corporation, business trust,
31 estate, trust, partnership, association, joint venture, government,
32 governmental subdivision or agency, or any other legal or commercial
33 entity.

34 (dd) "Poppy straw" means all parts, except the seeds, of the
35 opium poppy, after mowing.

36 (ee) "Practitioner" means:

37 (1) A physician under chapter 18.71 RCW; a physician assistant
38 under chapter 18.71A RCW; an osteopathic physician and surgeon under
39 chapter 18.57 RCW; an osteopathic physician assistant under chapter
40 18.57A RCW who is licensed under RCW 18.57A.020 subject to any

1 limitations in RCW 18.57A.040; an optometrist licensed under chapter
 2 18.53 RCW who is certified by the optometry board under RCW 18.53.010
 3 subject to any limitations in RCW 18.53.010; a dentist under chapter
 4 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
 5 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
 6 registered nurse practitioner, or licensed practical nurse under
 7 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
 8 who is licensed under RCW 18.36A.030 subject to any limitations in
 9 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
 10 investigator under this chapter, licensed, registered or otherwise
 11 permitted insofar as is consistent with those licensing laws to
 12 distribute, dispense, conduct research with respect to or administer
 13 a controlled substance in the course of their professional practice
 14 or research in this state.

15 (2) A pharmacy, hospital or other institution licensed,
 16 registered, or otherwise permitted to distribute, dispense, conduct
 17 research with respect to or to administer a controlled substance in
 18 the course of professional practice or research in this state.

19 (3) A physician licensed to practice medicine and surgery, a
 20 physician licensed to practice osteopathic medicine and surgery, a
 21 dentist licensed to practice dentistry, a podiatric physician and
 22 surgeon licensed to practice podiatric medicine and surgery, a
 23 licensed physician assistant or a licensed osteopathic physician
 24 assistant specifically approved to prescribe controlled substances by
 25 his or her state's medical quality assurance commission or equivalent
 26 and his or her supervising physician, an advanced registered nurse
 27 practitioner licensed to prescribe controlled substances, or a
 28 veterinarian licensed to practice veterinary medicine in any state of
 29 the United States.

30 (ff) "Prescription" means an order for controlled substances
 31 issued by a practitioner duly authorized by law or rule in the state
 32 of Washington to prescribe controlled substances within the scope of
 33 his or her professional practice for a legitimate medical purpose.

34 (gg) "Production" includes the manufacturing, planting,
 35 cultivating, growing, or harvesting of a controlled substance.

36 (hh) "Retail outlet" means a location licensed by the state
 37 liquor ~~((control))~~ and cannabis board for the retail sale of
 38 marijuana concentrates, useable marijuana, and marijuana-infused
 39 products.

(ii) "Secretary" means the secretary of health or the secretary's designee.

(jj) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(kk) "THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

(ll) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

(mm) "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include either marijuana-infused products or marijuana concentrates.

(nn) "Designated provider" has the meaning provided in RCW 69.51A.010.

(oo) "Qualifying patient" has the meaning provided in RCW 69.51A.010.

(pp) "CBD concentration" has the meaning provided in RCW 69.51A.010.

(qq) "Plant" has the meaning provided in RCW 69.51A.010.

(rr) "Recognition card" has the meaning provided in RCW 69.51A.010.

Sec. 5. RCW 69.50.325 and 2014 c 192 s 2 are each amended to read as follows:

(1) There shall be a marijuana producer's license to produce marijuana for sale at wholesale to marijuana processors and other marijuana producers, regulated by the state liquor ~~((control))~~ and cannabis board and subject to annual renewal. The production, possession, delivery, distribution, and sale of marijuana in accordance with the provisions of this chapter ~~((3, Laws of 2013))~~ and the rules adopted to implement and enforce it, by a validly licensed marijuana producer, shall not be a criminal or civil offense

1 under Washington state law. Every marijuana producer's license shall
 2 be issued in the name of the applicant, shall specify the location at
 3 which the marijuana producer intends to operate, which must be within
 4 the state of Washington, and the holder thereof shall not allow any
 5 other person to use the license. The application fee for a marijuana
 6 producer's license shall be two hundred fifty dollars. The annual fee
 7 for issuance and renewal of a marijuana producer's license shall be
 8 one thousand dollars. A separate license shall be required for each
 9 location at which a marijuana producer intends to produce marijuana.

10 (2) There shall be a marijuana processor's license to process,
 11 package, and label marijuana concentrates, useable marijuana, and
 12 marijuana-infused products for sale at wholesale to marijuana
 13 processors and marijuana retailers, regulated by the state liquor
 14 ~~((control))~~ and cannabis board and subject to annual renewal. The
 15 processing, packaging, possession, delivery, distribution, and sale
 16 of marijuana, useable marijuana, marijuana-infused products, and
 17 marijuana concentrates in accordance with the provisions of this
 18 chapter ~~((3, Laws of 2013))~~ and chapter 69.51A RCW and the rules
 19 adopted to implement and enforce ~~((it))~~ these chapters, by a validly
 20 licensed marijuana processor, shall not be a criminal or civil
 21 offense under Washington state law. Every marijuana processor's
 22 license shall be issued in the name of the applicant, shall specify
 23 the location at which the licensee intends to operate, which must be
 24 within the state of Washington, and the holder thereof shall not
 25 allow any other person to use the license. The application fee for a
 26 marijuana processor's license shall be two hundred fifty dollars. The
 27 annual fee for issuance and renewal of a marijuana processor's
 28 license shall be one thousand dollars. A separate license shall be
 29 required for each location at which a marijuana processor intends to
 30 process marijuana.

31 (3) There shall be a marijuana retailer's license to sell
 32 marijuana concentrates, useable marijuana, and marijuana-infused
 33 products at retail in retail outlets, regulated by the state liquor
 34 ~~((control))~~ and cannabis board and subject to annual renewal. The
 35 possession, delivery, distribution, and sale of marijuana
 36 concentrates, useable marijuana, and marijuana-infused products in
 37 accordance with the provisions of this chapter ~~((3, Laws of 2013))~~
 38 and the rules adopted to implement and enforce it, by a validly
 39 licensed marijuana retailer, shall not be a criminal or civil offense
 40 under Washington state law. Every marijuana retailer's license shall

be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana retailer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana retailer's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana retailer intends to sell marijuana concentrates, useable marijuana, and marijuana-infused products.

Sec. 6. RCW 69.50.331 and 2013 c 3 s 6 are each amended to read as follows:

(1) For the purpose of considering any application for a license to produce, process, or sell marijuana, or for the renewal of a license to produce, process, or sell marijuana, the state liquor ~~((control))~~ and cannabis board must conduct a comprehensive, fair, and impartial evaluation of the applications timely received.

(a) The state liquor and cannabis board must develop a competitive, merit-based application process that includes, at a minimum, the opportunity for an applicant to demonstrate experience and qualifications in the marijuana industry. The state liquor and cannabis board shall give preference between competing applications in the licensing process to applicants that have the following experience and qualifications, in the following order of priority:

(i) First priority is given to applicants who:

(A) Applied to the state liquor and cannabis board for a marijuana retailer license prior to July 1, 2014;

(B) Operated or were employed by a collective garden before January 1, 2013;

(C) Have maintained a state business license and a municipal business license, as applicable in the relevant jurisdiction; and

(D) Have had a history of paying all applicable state taxes and fees;

(ii) Second priority shall be given to applicants who:

(A) Operated or were employed by a collective garden before January 1, 2013;

(B) Have maintained a state business license and a municipal business license, as applicable in the relevant jurisdiction; and

1 (C) Have had a history of paying all applicable state taxes and
 2 fees; and

3 (iii) Third priority shall be given to all other applicants who
 4 do not have the experience and qualifications identified in (a)(i)
 5 and (ii) of this subsection.

6 (b) The state liquor and cannabis board may cause an inspection
 7 of the premises to be made, and may inquire into all matters in
 8 connection with the construction and operation of the premises. For
 9 the purpose of reviewing any application for a license and for
 10 considering the denial, suspension, revocation, or renewal or denial
 11 thereof, of any license, the state liquor ~~((control))~~ and cannabis
 12 board may consider any prior criminal conduct of the applicant
 13 including an administrative violation history record with the state
 14 liquor ~~((control))~~ and cannabis board and a criminal history record
 15 information check. The state liquor ~~((control))~~ and cannabis board
 16 may submit the criminal history record information check to the
 17 Washington state patrol and to the identification division of the
 18 federal bureau of investigation in order that these agencies may
 19 search their records for prior arrests and convictions of the
 20 individual or individuals who filled out the forms. The state liquor
 21 ~~((control))~~ and cannabis board shall require fingerprinting of any
 22 applicant whose criminal history record information check is
 23 submitted to the federal bureau of investigation. The provisions of
 24 RCW 9.95.240 and of chapter 9.96A RCW shall not apply to these cases.
 25 Subject to the provisions of this section, the state liquor
 26 ~~((control))~~ and cannabis board may, in its discretion, grant or deny
 27 the renewal or license applied for. Denial may be based on, without
 28 limitation, the existence of chronic illegal activity documented in
 29 objections submitted pursuant to subsections (7)(c) and (9) of this
 30 section. Authority to approve an uncontested or unopposed license may
 31 be granted by the state liquor ~~((control))~~ and cannabis board to any
 32 staff member the board designates in writing. Conditions for granting
 33 this authority shall be adopted by rule.

34 (c) No license of any kind may be issued to:

35 ~~((a))~~ (i) A person under the age of twenty-one years;

36 ~~((b))~~ (ii) A person doing business as a sole proprietor who has
 37 not lawfully resided in the state for at least three months prior to
 38 applying to receive a license;

39 ~~((c))~~ (iii) A partnership, employee cooperative, association,
 40 nonprofit corporation, or corporation unless formed under the laws of

1 this state, and unless all of the members thereof are qualified to
2 obtain a license as provided in this section; or

3 ~~((d))~~ (iv) A person whose place of business is conducted by a
4 manager or agent, unless the manager or agent possesses the same
5 qualifications required of the licensee.

6 (2)(a) The state liquor ~~((control))~~ and cannabis board may, in
7 its discretion, subject to the provisions of RCW 69.50.334, suspend
8 or cancel any license; and all protections of the licensee from
9 criminal or civil sanctions under state law for producing,
10 processing, or selling marijuana, useable marijuana, or marijuana-
11 infused products thereunder shall be suspended or terminated, as the
12 case may be.

13 (b) The state liquor ~~((control))~~ and cannabis board shall
14 immediately suspend the license of a person who has been certified
15 pursuant to RCW 74.20A.320 by the department of social and health
16 services as a person who is not in compliance with a support order.
17 If the person has continued to meet all other requirements for
18 reinstatement during the suspension, reissuance of the license shall
19 be automatic upon the state liquor ~~((control))~~ and cannabis board's
20 receipt of a release issued by the department of social and health
21 services stating that the licensee is in compliance with the order.

22 (c) The state liquor ~~((control))~~ and cannabis board may request
23 the appointment of administrative law judges under chapter 34.12 RCW
24 who shall have power to administer oaths, issue subpoenas for the
25 attendance of witnesses and the production of papers, books,
26 accounts, documents, and testimony, examine witnesses, and to receive
27 testimony in any inquiry, investigation, hearing, or proceeding in
28 any part of the state, under rules and regulations the state liquor
29 ~~((control))~~ and cannabis board may adopt.

30 (d) Witnesses shall be allowed fees and mileage each way to and
31 from any inquiry, investigation, hearing, or proceeding at the rate
32 authorized by RCW 34.05.446. Fees need not be paid in advance of
33 appearance of witnesses to testify or to produce books, records, or
34 other legal evidence.

35 (e) In case of disobedience of any person to comply with the
36 order of the state liquor ~~((control))~~ and cannabis board or a
37 subpoena issued by the state liquor ~~((control))~~ and cannabis board,
38 or any of its members, or administrative law judges, or on the
39 refusal of a witness to testify to any matter regarding which he or
40 she may be lawfully interrogated, the judge of the superior court of

1 the county in which the person resides, on application of any member
2 of the board or administrative law judge, shall compel obedience by
3 contempt proceedings, as in the case of disobedience of the
4 requirements of a subpoena issued from said court or a refusal to
5 testify therein.

6 (3) Upon receipt of notice of the suspension or cancellation of a
7 license, the licensee shall forthwith deliver up the license to the
8 state liquor ~~((control))~~ and cannabis board. Where the license has
9 been suspended only, the state liquor ~~((control))~~ and cannabis board
10 shall return the license to the licensee at the expiration or
11 termination of the period of suspension. The state liquor ~~((control))~~
12 and cannabis board shall notify all other licensees in the county
13 where the subject licensee has its premises of the suspension or
14 cancellation of the license; and no other licensee or employee of
15 another licensee may allow or cause any marijuana, useable marijuana,
16 or marijuana-infused products to be delivered to or for any person at
17 the premises of the subject licensee.

18 (4) Every license issued under chapter 3, Laws of 2013 shall be
19 subject to all conditions and restrictions imposed by chapter 3, Laws
20 of 2013 or by rules adopted by the state liquor ~~((control))~~ and
21 cannabis board to implement and enforce chapter 3, Laws of 2013. All
22 conditions and restrictions imposed by the state liquor ~~((control))~~
23 and cannabis board in the issuance of an individual license shall be
24 listed on the face of the individual license along with the trade
25 name, address, and expiration date.

26 (5) Every licensee shall post and keep posted its license, or
27 licenses, in a conspicuous place on the premises.

28 (6) No licensee shall employ any person under the age of twenty-
29 one years.

30 (7)(a) Before the state liquor ~~((control))~~ and cannabis board
31 issues a new or renewed license to an applicant it shall give notice
32 of the application to the chief executive officer of the incorporated
33 city or town, if the application is for a license within an
34 incorporated city or town, or to the county legislative authority, if
35 the application is for a license outside the boundaries of
36 incorporated cities or towns.

37 (b) The incorporated city or town through the official or
38 employee selected by it, or the county legislative authority or the
39 official or employee selected by it, shall have the right to file
40 with the state liquor ~~((control))~~ and cannabis board within twenty

1 days after the date of transmittal of the notice for applications, or
2 at least thirty days prior to the expiration date for renewals,
3 written objections against the applicant or against the premises for
4 which the new or renewed license is asked. The state liquor
5 (~~((control))~~) and cannabis board may extend the time period for
6 submitting written objections.

7 (c) The written objections shall include a statement of all facts
8 upon which the objections are based, and in case written objections
9 are filed, the city or town or county legislative authority may
10 request, and the state liquor (~~((control))~~) and cannabis board may in
11 its discretion hold, a hearing subject to the applicable provisions
12 of Title 34 RCW. If the state liquor (~~((control))~~) and cannabis board
13 makes an initial decision to deny a license or renewal based on the
14 written objections of an incorporated city or town or county
15 legislative authority, the applicant may request a hearing subject to
16 the applicable provisions of Title 34 RCW. If a hearing is held at
17 the request of the applicant, state liquor (~~((control))~~) and cannabis
18 board representatives shall present and defend the state liquor
19 (~~((control))~~) and cannabis board's initial decision to deny a license
20 or renewal.

21 (d) Upon the granting of a license under this title the state
22 liquor (~~((control))~~) and cannabis board shall send written notification
23 to the chief executive officer of the incorporated city or town in
24 which the license is granted, or to the county legislative authority
25 if the license is granted outside the boundaries of incorporated
26 cities or towns.

27 (8) The state liquor (~~((control))~~) and cannabis board shall not
28 issue a license for any premises within one thousand feet of the
29 perimeter of the grounds of any elementary or secondary school,
30 playground, recreation center or facility, child care center, public
31 park, public transit center, or library, or any game arcade admission
32 to which is not restricted to persons aged twenty-one years or older.

33 (9) In determining whether to grant or deny a license or renewal
34 of any license, the state liquor (~~((control))~~) and cannabis board shall
35 give substantial weight to objections from an incorporated city or
36 town or county legislative authority based upon chronic illegal
37 activity associated with the applicant's operations of the premises
38 proposed to be licensed or the applicant's operation of any other
39 licensed premises, or the conduct of the applicant's patrons inside
40 or outside the licensed premises. "Chronic illegal activity" means

(a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW 46.61.502 associated with the applicant's or licensee's operation of any licensed premises as indicated by the reported statements given to law enforcement upon arrest.

Sec. 7. RCW 69.50.342 and 2013 c 3 s 9 are each amended to read as follows:

(1) For the purpose of carrying into effect the provisions of chapter 3, Laws of 2013 according to their true intent or of supplying any deficiency therein, the state liquor ~~((control))~~ and cannabis board may adopt rules not inconsistent with the spirit of chapter 3, Laws of 2013 as are deemed necessary or advisable. Without limiting the generality of the preceding sentence, the state liquor ~~((control))~~ and cannabis board is empowered to adopt rules regarding the following:

~~((1))~~ (a) The equipment and management of retail outlets and premises where marijuana is produced or processed, and inspection of the retail outlets and premises where marijuana is produced or processed;

~~((2))~~ (b) The books and records to be created and maintained by licensees, the reports to be made thereon to the state liquor ~~((control))~~ and cannabis board, and inspection of the books and records;

~~((3))~~ (c) Methods of producing, processing, and packaging marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products; conditions of sanitation; safe handling requirements; approved pesticides and pesticide testing requirements; and standards of ingredients, quality, and identity of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products produced, processed, packaged, or sold by licensees;

1 ~~((4))~~ (d) Security requirements for retail outlets and premises
 2 where marijuana is produced or processed, and safety protocols for
 3 licensees and their employees;

4 ~~((5))~~ (e) Screening, hiring, training, and supervising
 5 employees of licensees;

6 ~~((6))~~ (f) Retail outlet locations and hours of operation;

7 ~~((7))~~ (g) Labeling requirements and restrictions on
 8 advertisement of marijuana, useable marijuana, marijuana
 9 concentrates, and marijuana-infused products for sale in retail
 10 outlets;

11 ~~((8))~~ (h) Forms to be used for purposes of this chapter ~~((3, Laws of 2013))~~ and chapter 69.51A RCW or the rules adopted to
 12 implement and enforce ~~((it))~~ these chapters, the terms and conditions
 13 to be contained in licenses issued under this chapter ~~((3, Laws of 2013))~~ and chapter 69.51A RCW, and the qualifications for receiving a
 14 license issued under this chapter ~~((3, Laws of 2013))~~ and chapter
 15 69.51A RCW, including a criminal history record information check.
 16 The state liquor ~~((control))~~ and cannabis board may submit any
 17 criminal history record information check to the Washington state
 18 patrol and to the identification division of the federal bureau of
 19 investigation in order that these agencies may search their records
 20 for prior arrests and convictions of the individual or individuals
 21 who filled out the forms. The state liquor ~~((control))~~ and cannabis
 22 board shall require fingerprinting of any applicant whose criminal
 23 history record information check is submitted to the federal bureau
 24 of investigation;
 25

26 ~~((9))~~ (i) Application, reinstatement, and renewal fees for
 27 licenses issued under this chapter ~~((3, Laws of 2013))~~ and chapter
 28 69.51A RCW, and fees for anything done or permitted to be done under
 29 the rules adopted to implement and enforce this chapter ~~((3, Laws of 2013))~~ and chapter 69.51A RCW;

30 ~~((10))~~ (j) The manner of giving and serving notices required by
 31 this chapter ~~((3, Laws of 2013))~~ and chapter 69.51A RCW or rules
 32 adopted to implement or enforce ~~((it))~~ these chapters;

33 ~~((11))~~ (k) Times and periods when, and the manner, methods, and
 34 means by which, licensees shall transport and deliver marijuana,
 35 marijuana concentrates, useable marijuana, and marijuana-infused
 36 products within the state;

37 ~~((12))~~ (l) Identification, seizure, confiscation, destruction,
 38 or donation to law enforcement for training purposes of all
 39

1 marijuana, marijuana concentrates, useable marijuana, and marijuana-
 2 infused products produced, processed, sold, or offered for sale
 3 within this state which do not conform in all respects to the
 4 standards prescribed by this chapter ((3, Laws of 2013)) or chapter
 5 69.51A RCW or the rules adopted to implement and enforce ((it-
 6 PROVIDED, That nothing in chapter 3, Laws of 2013 shall be construed
 7 as authorizing the state liquor control board to seize, confiscate,
 8 destroy, or donate to law enforcement marijuana, useable marijuana,
 9 or marijuana-infused products produced, processed, sold, offered for
 10 sale, or possessed in compliance with the Washington state medical
 11 use of cannabis act, chapter 69.51A RCW)) these chapters.

12 (2) Rules adopted on retail outlets holding medical marijuana
 13 endorsements must be adopted in coordination and consultation with
 14 the department.

15 **Sec. 8.** RCW 69.50.345 and 2013 c 3 s 10 are each amended to read
 16 as follows:

17 The state liquor ((control)) and cannabis board, subject to the
 18 provisions of this chapter ((3, Laws of 2013)), must adopt rules ((by
 19 December 1, 2013,)) that establish the procedures and criteria
 20 necessary to implement the following:

21 (1) Licensing of marijuana producers, marijuana processors, and
 22 marijuana retailers, including prescribing forms and establishing
 23 application, reinstatement, and renewal fees.

24 (a) Application forms for marijuana producers must request the
 25 applicant to state whether the applicant intends to produce marijuana
 26 for sale by marijuana retailers holding medical marijuana
 27 endorsements and the amount of or percentage of canopy the applicant
 28 intends to commit to growing plants determined by the department
 29 under section 10 of this act to be of a THC concentration, CBD
 30 concentration, or THC to CBD ratio appropriate for marijuana
 31 concentrates, useable marijuana, or marijuana-infused products sold
 32 to qualifying patients.

33 (b) The state liquor and cannabis board must reconsider and
 34 increase limits on the amount of square feet permitted to be in
 35 production on the effective date of this section and increase the
 36 percentage of production space for those marijuana producers who
 37 intend to grow plants for marijuana retailers holding medical
 38 marijuana endorsements if the marijuana producer designates the
 39 increased production space to plants determined by the department

1 under section 10 of this act to be of a THC concentration, CBD
2 concentration, or THC to CBD ratio appropriate for marijuana
3 concentrates, useable marijuana, or marijuana-infused products to be
4 sold to qualifying patients. If current marijuana producers do not
5 use all the increased production space, the state liquor and cannabis
6 board may reopen the license period for new marijuana producer
7 license applicants but only to those marijuana producers who agree to
8 grow plants for marijuana retailers holding medical marijuana
9 endorsements. Priority in licensing must be given to marijuana
10 producer license applicants who have an application pending on the
11 effective date of this section but who are not yet licensed and then
12 to new marijuana producer license applicants. After January 1, 2017,
13 any reconsideration of the limits on the amount of square feet
14 permitted to be in production to meet the medical needs of qualifying
15 patients must consider information contained in the medical marijuana
16 authorization database established in section 21 of this act;

17 (2) Determining, in consultation with the office of financial
18 management, the maximum number of retail outlets that may be licensed
19 in each county, taking into consideration:

20 (a) Population distribution;

21 (b) Security and safety issues; ~~((and))~~

22 (c) The provision of adequate access to licensed sources of
23 marijuana concentrates, useable marijuana, and marijuana-infused
24 products to discourage purchases from the illegal market; and

25 (d) The number of retail outlets holding medical marijuana
26 endorsements necessary to meet the medical needs of qualifying
27 patients. The state liquor and cannabis board must reconsider and
28 increase the maximum number of retail outlets it established before
29 the effective date of this section and allow for a new license
30 application period and a greater number of retail outlets to be
31 permitted in order to accommodate the medical needs of qualifying
32 patients and designated providers. After January 1, 2017, any
33 reconsideration of the maximum number of retail outlets needed to
34 meet the medical needs of qualifying patients must consider
35 information contained in the medical marijuana authorization database
36 established in section 21 of this act;

37 (3) Determining the maximum quantity of marijuana a marijuana
38 producer may have on the premises of a licensed location at any time
39 without violating Washington state law;

(4) Determining the maximum quantities of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products a marijuana processor may have on the premises of a licensed location at any time without violating Washington state law;

(5) Determining the maximum quantities of marijuana concentrates, useable marijuana, and marijuana-infused products a marijuana retailer may have on the premises of a retail outlet at any time without violating Washington state law;

(6) In making the determinations required by ~~((subsections (3) through (5) of))~~ this section, the state liquor ~~((control))~~ and cannabis board shall take into consideration:

(a) Security and safety issues;

(b) The provision of adequate access to licensed sources of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products to discourage purchases from the illegal market; and

(c) Economies of scale, and their impact on licensees' ability to both comply with regulatory requirements and undercut illegal market prices;

(7) Determining the nature, form, and capacity of all containers to be used by licensees to contain marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products, and their labeling requirements, to include but not be limited to:

(a) The business or trade name and Washington state unified business identifier number of the licensees that ~~((grew,))~~ processed~~((,))~~ and sold the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;

(b) Lot numbers of the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;

(c) THC concentration and CBD concentration of the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;

(d) Medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(e) Language required by RCW 69.04.480;

(8) In consultation with the department of agriculture and the department, establishing classes of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products according to grade, condition, cannabinoid profile, THC concentration, CBD concentration, or other qualitative measurements

1 deemed appropriate by the state liquor ((~~control~~)) and cannabis
 2 board;

3 (9) Establishing reasonable time, place, and manner restrictions
 4 and requirements regarding advertising of marijuana, marijuana
 5 concentrates, useable marijuana, and marijuana-infused products that
 6 are not inconsistent with the provisions of this chapter ((~~3, Laws of~~
 7 ~~2013~~)), taking into consideration:

8 (a) Federal laws relating to marijuana that are applicable within
 9 Washington state;

10 (b) Minimizing exposure of people under twenty-one years of age
 11 to the advertising; ((~~and~~))

12 (c) The inclusion of medically and scientifically accurate
 13 information about the health and safety risks posed by marijuana use
 14 in the advertising; and

15 (d) Ensuring that retail outlets with medical marijuana
 16 endorsements may advertise themselves as medical retail outlets;

17 (10) Specifying and regulating the time and periods when, and the
 18 manner, methods, and means by which, licensees shall transport and
 19 deliver marijuana, marijuana concentrates, useable marijuana, and
 20 marijuana-infused products within the state;

21 (11) In consultation with the department and the department of
 22 agriculture, establishing accreditation requirements for testing
 23 laboratories used by licensees to demonstrate compliance with
 24 standards adopted by the state liquor ((~~control~~)) and cannabis board,
 25 and prescribing methods of producing, processing, and packaging
 26 marijuana, marijuana concentrates, useable marijuana, and marijuana-
 27 infused products; conditions of sanitation; and standards of
 28 ingredients, quality, and identity of marijuana, marijuana
 29 concentrates, useable marijuana, and marijuana-infused products
 30 produced, processed, packaged, or sold by licensees;

31 (12) Specifying procedures for identifying, seizing,
 32 confiscating, destroying, and donating to law enforcement for
 33 training purposes all marijuana, marijuana concentrates, useable
 34 marijuana, and marijuana-infused products produced, processed,
 35 packaged, labeled, or offered for sale in this state that do not
 36 conform in all respects to the standards prescribed by this chapter
 37 ((~~3, Laws of 2013~~)) or the rules of the state liquor ((~~control~~)) and
 38 cannabis board.

Sec. 9. RCW 69.50.354 and 2014 c 192 s 3 are each amended to read as follows:

There may be licensed, in no greater number in each of the counties of the state than as the state liquor ~~((control))~~ and cannabis board shall deem advisable, retail outlets established for the purpose of making marijuana concentrates, useable marijuana, and marijuana-infused products available for sale to adults aged twenty-one and over. Retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of this chapter ~~((3, Laws of 2013))~~ and the rules adopted to implement and enforce it, by a validly licensed marijuana retailer or retail outlet employee, shall not be a criminal or civil offense under Washington state law.

NEW SECTION. **Sec. 10.** A new section is added to chapter 69.50 RCW to read as follows:

(1) A medical marijuana endorsement to a marijuana retail license is hereby established to permit a marijuana retailer to sell marijuana for medical use to qualifying patients and designated providers. This endorsement also permits such retailers to provide marijuana at no charge, at their discretion, to qualifying patients and designated providers.

(2) An applicant may apply for a medical marijuana endorsement concurrently with an application for a marijuana retail license.

(3) To be issued an endorsement, a marijuana retailer must:

(a) Not authorize the medical use of marijuana for qualifying patients at the retail outlet or permit health care professionals to authorize the medical use of marijuana for qualifying patients at the retail outlet;

(b) Carry marijuana concentrates and marijuana-infused products identified by the department under subsection (4) of this section;

(c) Not use labels or market marijuana concentrates, useable marijuana, or marijuana-infused products in a way that make them intentionally attractive to minors;

(d) Demonstrate the ability to enter qualifying patients and designated providers in the medical marijuana authorization database established in section 21 of this act and issue recognition cards and agree to enter qualifying patients and designated providers into the database and issue recognition cards in compliance with department standards;

1 (e) Keep copies of the qualifying patient's or designated
2 provider's recognition card, or keep equivalent records as required
3 by rule of the state liquor and cannabis board or the department of
4 revenue to document the validity of tax exempt sales; and

5 (f) Meet other requirements as adopted by rule of the department
6 or the state liquor and cannabis board.

7 (4) The department, in conjunction with the state liquor and
8 cannabis board, must adopt rules on requirements for marijuana
9 concentrates, useable marijuana, and marijuana-infused products that
10 may be sold, or provided at no charge, to qualifying patients or
11 designated providers at a retail outlet holding a medical marijuana
12 endorsement. These rules must include:

13 (a) THC concentration, CBD concentration, or low THC, high CBD
14 ratios appropriate for marijuana concentrates, useable marijuana, or
15 marijuana-infused products sold to qualifying patients or designated
16 providers;

17 (b) Labeling requirements including that the labels attached to
18 marijuana concentrates, useable marijuana, or marijuana-infused
19 products contain THC concentration, CBD concentration, and THC to CBD
20 ratios;

21 (c) Other product requirements, including any additional mold,
22 fungus, or pesticide testing requirements, or limitations to the
23 types of solvents that may be used in marijuana processing that the
24 department deems necessary to address the medical needs of qualifying
25 patients;

26 (d) Safe handling requirements for marijuana concentrates,
27 useable marijuana, or marijuana-infused products; and

28 (e) Training requirements for employees.

29 (5) A marijuana retailer holding an endorsement to sell marijuana
30 to qualifying patients or designated providers must train its
31 employees on:

32 (a) Procedures regarding the recognition of valid authorizations
33 and the use of equipment to enter qualifying patients and designated
34 providers into the medical marijuana authorization database;

35 (b) Recognition of valid recognition cards; and

36 (c) Recognition of strains, varieties, THC concentration, CBD
37 concentration, and THC to CBD ratios of marijuana concentrates,
38 useable marijuana, and marijuana-infused products, available for sale
39 when assisting qualifying patients and designated providers at the
40 retail outlet.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 69.50
2 RCW to read as follows:

3 A marijuana retailer or a marijuana retailer holding a medical
4 marijuana endorsement may sell products with a THC concentration of
5 0.3 percent or less. Marijuana retailers holding a medical marijuana
6 endorsement may also provide these products at no charge to
7 qualifying patients or designated providers.

8 **Sec. 12.** RCW 69.50.357 and 2014 c 192 s 4 are each amended to
9 read as follows:

10 (1) Retail outlets shall sell no products or services other than
11 marijuana concentrates, useable marijuana, marijuana-infused
12 products, or paraphernalia intended for the storage or use of
13 marijuana concentrates, useable marijuana, or marijuana-infused
14 products.

15 (2) Licensed marijuana retailers shall not employ persons under
16 twenty-one years of age or allow persons under twenty-one years of
17 age to enter or remain on the premises of a retail outlet. However,
18 qualifying patients between eighteen and twenty-one years of age with
19 a recognition card may enter and remain on the premises of a retail
20 outlet holding a medical marijuana endorsement and may purchase
21 products for their personal medical use. Qualifying patients who are
22 under the age of eighteen with a recognition card and who accompany
23 their designated providers may enter and remain on the premises of a
24 retail outlet holding a medical marijuana endorsement, but may not
25 purchase products for their personal medical use.

26 (3)(a) Licensed marijuana retailers must ensure that all
27 employees are trained on the rules adopted to implement this chapter,
28 identification of persons under the age of twenty-one, and other
29 requirements adopted by the state liquor and cannabis board to ensure
30 that persons under the age of twenty-one are not permitted to enter
31 or remain on the premises of a retail outlet.

32 (b) Licensed marijuana retailers with a medical marijuana
33 endorsement must ensure that all employees are trained on the
34 subjects required by (a) of this subsection as well as identification
35 of authorizations and recognition cards. Employees must also be
36 trained to permit qualifying patients who hold recognition cards and
37 are between the ages of eighteen and twenty-one to enter the premises
38 and purchase marijuana for their personal medical use and to permit
39 qualifying patients who are under the age of eighteen with a

1 recognition card to enter the premises if accompanied by their
 2 designated providers.

3 (4) Licensed marijuana retailers shall not display any signage in
 4 a window, on a door, or on the outside of the premises of a retail
 5 outlet that is visible to the general public from a public right-of-
 6 way, other than a single sign no larger than one thousand six hundred
 7 square inches identifying the retail outlet by the licensee's
 8 business or trade name. Retail outlets that hold medical marijuana
 9 endorsements may include this information on signage.

10 ((+4)) (5) Licensed marijuana retailers shall not display
 11 marijuana concentrates, useable marijuana, or marijuana-infused
 12 products in a manner that is visible to the general public from a
 13 public right-of-way.

14 ((+5)) (6) No licensed marijuana retailer or employee of a
 15 retail outlet shall open or consume, or allow to be opened or
 16 consumed, any marijuana concentrates, useable marijuana, or
 17 marijuana-infused product on the outlet premises.

18 ((+6)) (7) The state liquor ((control)) and cannabis board shall
 19 fine a licensee one thousand dollars for each violation of any
 20 subsection of this section. Fines collected under this section must
 21 be deposited into the dedicated marijuana fund created under RCW
 22 69.50.530.

23 **Sec. 13.** RCW 69.50.360 and 2014 c 192 s 5 are each amended to
 24 read as follows:

25 The following acts, when performed by a validly licensed
 26 marijuana retailer or employee of a validly licensed retail outlet in
 27 compliance with rules adopted by the state liquor ((control)) and
 28 cannabis board to implement and enforce chapter 3, Laws of 2013,
 29 shall not constitute criminal or civil offenses under Washington
 30 state law:

31 (1) Purchase and receipt of marijuana concentrates, useable
 32 marijuana, or marijuana-infused products that have been properly
 33 packaged and labeled from a marijuana processor validly licensed
 34 under this chapter ((3, Laws of 2013));

35 (2) Possession of quantities of marijuana concentrates, useable
 36 marijuana, or marijuana-infused products that do not exceed the
 37 maximum amounts established by the state liquor ((control)) and
 38 cannabis board under RCW 69.50.345(5); and

(3) Delivery, distribution, and sale, on the premises of the retail outlet, of any combination of the following amounts of marijuana concentrates, useable marijuana, or marijuana-infused product to any person twenty-one years of age or older:

- (a) One ounce of useable marijuana;
- (b) Sixteen ounces of marijuana-infused product in solid form;
- (c) Seventy-two ounces of marijuana-infused product in liquid form; or
- (d) Seven grams of marijuana concentrate.

Sec. 14. RCW 69.50.4013 and 2013 c 3 s 20 are each amended to read as follows:

(1) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) Except as provided in RCW 69.50.4014, any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

(3) The possession, by a person twenty-one years of age or older, of useable marijuana or marijuana-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(4) No person under twenty-one years of age may possess, manufacture, sell, or distribute marijuana, marijuana-infused products, or marijuana concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

(5) The possession by a qualifying patient or designated provider of marijuana concentrates, useable marijuana, marijuana-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.

NEW SECTION. Sec. 15. A new section is added to chapter 69.50 RCW to read as follows:

(1) Nothing in this chapter permits anyone other than a validly licensed marijuana processor to use butane or other explosive gases to extract or separate resin from marijuana or to produce or process

any form of marijuana concentrates or marijuana-infused products that include marijuana concentrates not purchased from a validly licensed marijuana retailer as an ingredient. The extraction or separation of resin from marijuana, the processing of marijuana concentrates, and the processing of marijuana-infused products that include marijuana concentrates not purchased from a validly licensed marijuana retailer as an ingredient by any person other than a validly licensed marijuana processor each constitute manufacture of marijuana in violation of RCW 69.50.401. Cooking oil, butter, and other nonexplosive home cooking substances may be used to make marijuana extracts for noncommercial personal use.

(2) Except for the use of butane, the state liquor and cannabis board may not enforce this section until it has adopted the rules required by section 28 of this act.

Sec. 16. RCW 69.51A.005 and 2011 c 181 s 102 are each amended to read as follows:

(1) The legislature finds that:

(a) There is medical evidence that some patients with terminal or debilitating medical conditions may, under their health care professional's care, benefit from the medical use of ~~((cannabis))~~ marijuana. Some of the conditions for which ~~((cannabis))~~ marijuana appears to be beneficial include, but are not limited to:

(i) Nausea, vomiting, and cachexia associated with cancer, HIV-positive status, AIDS, hepatitis C, anorexia, and their treatments;

(ii) Severe muscle spasms associated with multiple sclerosis, epilepsy, and other seizure and spasticity disorders;

(iii) Acute or chronic glaucoma;

(iv) Crohn's disease; and

(v) Some forms of intractable pain.

(b) Humanitarian compassion necessitates that the decision to use ~~((cannabis))~~ marijuana by patients with terminal or debilitating medical conditions is a personal, individual decision, based upon their health care professional's professional medical judgment and discretion.

(2) Therefore, the legislature intends that, so long as such activities are in strict compliance with this chapter:

(a) Qualifying patients with terminal or debilitating medical conditions who, in the judgment of their health care professionals, may benefit from the medical use of ~~((cannabis))~~ marijuana, shall not

1 be arrested, prosecuted, or subject to other criminal sanctions or
 2 civil consequences under state law based solely on their medical use
 3 of ~~((cannabis))~~ marijuana, notwithstanding any other provision of
 4 law;

5 (b) Persons who act as designated providers to such patients
 6 shall also not be arrested, prosecuted, or subject to other criminal
 7 sanctions or civil consequences under state law, notwithstanding any
 8 other provision of law, based solely on their assisting with the
 9 medical use of ~~((cannabis))~~ marijuana; and

10 (c) Health care professionals shall also not be arrested,
 11 prosecuted, or subject to other criminal sanctions or civil
 12 consequences under state law for the proper authorization of medical
 13 use of ~~((cannabis))~~ marijuana by qualifying patients for whom, in the
 14 health care professional's professional judgment, the medical use of
 15 ~~((cannabis))~~ marijuana may prove beneficial.

16 (3) Nothing in this chapter establishes the medical necessity or
 17 medical appropriateness of ~~((cannabis))~~ marijuana for treating
 18 terminal or debilitating medical conditions as defined in RCW
 19 69.51A.010.

20 (4) Nothing in this chapter diminishes the authority of
 21 correctional agencies and departments, including local governments or
 22 jails, to establish a procedure for determining when the use of
 23 ~~((cannabis))~~ marijuana would impact community safety or the effective
 24 supervision of those on active supervision for a criminal conviction,
 25 nor does it create the right to any accommodation of any medical use
 26 of ~~((cannabis))~~ marijuana in any correctional facility or jail.

27 **Sec. 17.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to
 28 read as follows:

29 The definitions in this section apply throughout this chapter
 30 unless the context clearly requires otherwise.

31 (1) "Designated provider" means a person who ~~((+~~
 32 ~~+a))~~ is ~~((eighteen))~~ twenty-one years of age or older ~~((+~~
 33 ~~+b))~~ and:

34 (a)(i) Is the parent or guardian of a qualifying patient who is
 35 under the age of eighteen and beginning July 1, 2016, holds a
 36 recognition card; or

37 (ii) Has been designated in writing by a qualifying patient to
 38 serve as ~~((a))~~ the designated provider ~~((under this chapter))~~ for
 39 that patient;

(b)(i) Has an authorization from the qualifying patient's health care professional; or

(ii) Beginning July 1, 2016:

(A) Has been entered into the medical marijuana authorization database as being the designated provider to a qualifying patient; and

(B) Has been provided a recognition card;

(c) Is prohibited from consuming marijuana obtained for the personal, medical use of the qualifying patient for whom the individual is acting as designated provider; ~~((and))~~

(d) Provides marijuana to only the qualifying patient that has designated him or her;

(e) Is in compliance with the terms and conditions of this chapter; and

(f) Is the designated provider to only one patient at any one time.

(2) "Health care professional," for purposes of this chapter only, means a physician licensed under chapter 18.71 RCW, a physician assistant licensed under chapter 18.71A RCW, an osteopathic physician licensed under chapter 18.57 RCW, an osteopathic physicians' assistant licensed under chapter 18.57A RCW, a naturopath licensed under chapter 18.36A RCW, or an advanced registered nurse practitioner licensed under chapter 18.79 RCW.

(3) "Medical use of marijuana" means the manufacture, production, possession, transportation, delivery, ingestion, application, or administration of marijuana~~((, as defined in RCW 69.50.101(q),))~~ for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating ~~((illness))~~ medical condition.

(4) "Qualifying patient" means a person who:

(a)(i) Is a patient of a health care professional;

~~((+b+))~~ (ii) Has been diagnosed by that health care professional as having a terminal or debilitating medical condition;

~~((+e+))~~ (iii) Is a resident of the state of Washington at the time of such diagnosis;

~~((+d+))~~ (iv) Has been advised by that health care professional about the risks and benefits of the medical use of marijuana; ~~((and~~

~~((+e+))~~ (v) Has been advised by that health care professional that they may benefit from the medical use of marijuana;

(vi)(A) Has an authorization from his or her health care professional; or

1 (B) Beginning July 1, 2016, has been entered into the medical
 2 marijuana authorization database and has been provided a recognition
 3 card; and

4 (vii) Is otherwise in compliance with the terms and conditions
 5 established in this chapter.

6 (b) "Qualifying patient" does not include a person who is
 7 actively being supervised for a criminal conviction by a corrections
 8 agency or department that has determined that the terms of this
 9 chapter are inconsistent with and contrary to his or her supervision
 10 and all related processes and procedures related to that supervision.

11 (5) "Tamper-resistant paper" means paper that meets one or more
 12 of the following industry-recognized features:

13 (a) One or more features designed to prevent copying of the
 14 paper;

15 (b) One or more features designed to prevent the erasure or
 16 modification of information on the paper; or

17 (c) One or more features designed to prevent the use of
 18 counterfeit ~~((valid documentation))~~ authorization.

19 (6) "Terminal or debilitating medical condition" means a
 20 condition severe enough to significantly interfere with the patient's
 21 activities of daily living and ability to function, which can be
 22 objectively assessed and evaluated and limited to the following:

23 (a) Cancer, human immunodeficiency virus (HIV), multiple
 24 sclerosis, epilepsy or other seizure disorder, or spasticity
 25 disorders; ~~((or))~~

26 (b) Intractable pain, limited for the purpose of this chapter to
 27 mean pain unrelieved by standard medical treatments and medications;
 28 ~~((or))~~

29 (c) Glaucoma, either acute or chronic, limited for the purpose of
 30 this chapter to mean increased intraocular pressure unrelieved by
 31 standard treatments and medications; ~~((or))~~

32 (d) Crohn's disease with debilitating symptoms unrelieved by
 33 standard treatments or medications; ~~((or))~~

34 (e) Hepatitis C with debilitating nausea or intractable pain
 35 unrelieved by standard treatments or medications; ~~((or))~~

36 (f) Diseases, including anorexia, which result in nausea,
 37 vomiting, wasting, appetite loss, cramping, seizures, muscle spasms,
 38 or spasticity, when these symptoms are unrelieved by standard
 39 treatments or medications; ~~((or))~~

~~(g) ((Any other medical condition duly approved by the Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery as directed in this chapter))~~ Posttraumatic stress disorder; or

(h) Traumatic brain injury.

~~(7) (("Valid documentation"))~~ (a) Until July 1, 2016, "authorization" means:

~~((a))~~ (i) A statement signed and dated by a qualifying patient's health care professional written on tamper-resistant paper, which states that, in the health care professional's professional opinion, the patient may benefit from the medical use of marijuana; and

~~((b))~~ (ii) Proof of identity such as a Washington state driver's license or identicard, as defined in RCW 46.20.035.

(b) Beginning July 1, 2016, "authorization" means a form developed by the department that is completed and signed by a qualifying patient's health care professional and printed on tamper-resistant paper.

(c) An authorization is not a prescription as defined in RCW 69.50.101.

(8) "Recognition card" means a card issued to qualifying patients and designated providers by a marijuana retailer with a medical marijuana endorsement that has entered them into the medical marijuana authorization database.

(9) "CBD concentration" means the percent of cannabidiol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of marijuana product.

(10) "Department" means the department of health.

(11) "Marijuana" has the meaning provided in RCW 69.50.101.

(12) "Marijuana concentrates" has the meaning provided in RCW 69.50.101.

(13) "Marijuana processor" has the meaning provided in RCW 69.50.101.

(14) "Marijuana producer" has the meaning provided in RCW 69.50.101.

(15) "Marijuana retailer" has the meaning provided in RCW 69.50.101.

(16) "Marijuana retailer with a medical marijuana endorsement" means a marijuana retailer that has been issued a medical marijuana

endorsement by the state liquor and cannabis board pursuant to section 10 of this act.

(17) "Marijuana-infused products" has the meaning provided in RCW 69.50.101.

(18) "Medical marijuana authorization database" means the secure and confidential database established in section 21 of this act.

(19) "Plant" means a marijuana plant having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system is considered part of the same single plant.

(20) "Retail outlet" has the meaning provided in RCW 69.50.101.

(21) "Secretary" means the secretary of the department of health.

(22) "THC concentration" has the meaning provided in RCW 69.50.101.

(23) "Useable marijuana" has the meaning provided in RCW 69.50.101.

(24) "Low THC, high CBD" means products determined by the department to have a low THC, high CBD ratio under section 10 of this act. Low THC, high CBD products must be inhalable, ingestible, or absorbable.

(25) "Public place" has the meaning provided in RCW 70.160.020.

(26) "Housing unit" means a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied as separate living quarters, in which the occupants live and eat separately from any other persons in the building, and which have direct access from the outside of the building or through a common hall.

Sec. 18. RCW 69.51A.030 and 2011 c 181 s 301 are each amended to read as follows:

(1) The following acts do not constitute crimes under state law or unprofessional conduct under chapter 18.130 RCW, and a health care professional may not be arrested, searched, prosecuted, disciplined, or subject to other criminal sanctions or civil consequences or liability under state law, or have real or personal property searched, seized, or forfeited pursuant to state law, notwithstanding any other provision of law as long as the health care professional complies with subsection (2) of this section:

(a) Advising a patient about the risks and benefits of medical use of ~~((cannabis))~~ marijuana or that the patient may benefit from the medical use of ~~((cannabis))~~ marijuana; or

(b) Providing a patient or designated provider meeting the criteria established under RCW 69.51A.010~~((+26+))~~ with ~~((valid documentation))~~ an authorization, based upon the health care professional's assessment of the patient's medical history and current medical condition, ~~((where such use is))~~ if the health care professional has complied with this chapter and he or she determines within a professional standard of care or in the individual health care professional's medical judgment the qualifying patient may benefit from the medical use of marijuana.

(2)(a) A health care professional may ~~((only))~~ provide a qualifying patient or that patient's designated provider with ~~((valid documentation authorizing))~~ an authorization for the medical use of ~~((cannabis or register the patient with the registry established in section 901 of this act if he or she has a newly initiated or existing documented relationship with the patient, as a primary care provider or a specialist, relating to the diagnosis and ongoing treatment or monitoring of the patient's terminal or debilitating medical condition, and only after:~~

~~((i) Completing a))~~ marijuana in accordance with this section.

(b) In order to authorize for the medical use of marijuana under (a) of this subsection, the health care professional must:

(i) Have a documented relationship with the patient, as a principal care provider or a specialist, relating to the diagnosis and ongoing treatment or monitoring of the patient's terminal or debilitating medical condition;

(ii) Complete an in-person physical examination of the patient ~~((as appropriate, based on the patient's condition and age));~~

~~((ii) Documenting))~~ (iii) Document the terminal or debilitating medical condition of the patient in the patient's medical record and that the patient may benefit from treatment of this condition or its symptoms with medical use of ~~((cannabis))~~ marijuana;

~~((iii) Informing))~~ (iv) Inform the patient of other options for treating the terminal or debilitating medical condition and documenting in the patient's medical record that the patient has received this information; ((and

~~((iv) Documenting))~~ (v) Document in the patient's medical record other measures attempted to treat the terminal or debilitating

1 medical condition that do not involve the medical use of ~~((cannabis))~~
 2 marijuana; and

3 (vi) Complete an authorization on forms developed by the
 4 department, in accordance with subsection (3) of this section.

5 ~~((b))~~ (c) For a qualifying patient eighteen years of age or
 6 older, an authorization expires one year after its issuance. For a
 7 qualifying patient less than eighteen years of age, an authorization
 8 expires six months after its issuance. An authorization may be
 9 renewed upon completion of an in-person physical examination and
 10 compliance with the other requirements of (b) of this subsection.

11 (d) A health care professional shall not:

12 (i) Accept, solicit, or offer any form of pecuniary remuneration
 13 from or to a ~~((licensed dispenser, licensed producer, or licensed~~
 14 ~~processor of cannabis products))~~ marijuana retailer, marijuana
 15 processor, or marijuana producer;

16 (ii) Offer a discount or any other thing of value to a qualifying
 17 patient who is a customer of, or agrees to be a customer of, a
 18 particular ~~((licensed dispenser, licensed producer, or licensed~~
 19 ~~processor of cannabis products))~~ marijuana retailer;

20 (iii) Examine or offer to examine a patient for purposes of
 21 diagnosing a terminal or debilitating medical condition at a location
 22 where ~~((cannabis))~~ marijuana is produced, processed, or ~~((dispensed))~~
 23 sold;

24 (iv) Have a business or practice which consists ~~((solely))~~
 25 primarily of authorizing the medical use of ~~((cannabis))~~ marijuana or
 26 authorize the medical use of marijuana at any location other than his
 27 or her practice's permanent physical location;

28 ~~((v) ~~((Include any statement or reference, visual or otherwise, on~~~~
 29 ~~the medical use of cannabis in any advertisement for his or her~~
 30 ~~business or practice))~~ Except as provided in section 35 of this act,
 31 sell, or provide at no charge, marijuana concentrates, marijuana-
 32 infused products, or useable marijuana to a qualifying patient or
 33 designated provider; or

34 (vi) Hold an economic interest in an enterprise that produces,
 35 processes, or ~~((dispenses cannabis))~~ sells marijuana if the health
 36 care professional authorizes the medical use of ~~((cannabis))~~
 37 marijuana.

38 ~~((3) ~~((A violation of any provision of subsection (2) of this~~~~
 39 ~~section constitutes unprofessional conduct under chapter 18.130~~
 40 RCW.)) The department shall develop the form for the health care

professional to use as an authorization for qualifying patients and designated providers. The form shall include the qualifying patient's or designated provider's name, address, and date of birth; the health care professional's name, address, and license number; the amount of marijuana recommended for the qualifying patient; a telephone number where the authorization can be verified during normal business hours; the dates of issuance and expiration; and a statement that an authorization does not provide protection from arrest unless the qualifying patient or designated provider is also entered in the medical marijuana authorization database and holds a recognition card.

(4) Until July 1, 2016, a health care professional who, within a single calendar month, authorizes the medical use of marijuana to more than thirty patients must report the number of authorizations issued.

(5) The appropriate health professions disciplining authority may inspect or request patient records to confirm compliance with this section. The health care professional must provide access to or produce documents, records, or other items that are within his or her possession or control within twenty-one calendar days of service of a request by the health professions disciplining authority. If the twenty-one calendar day limit results in a hardship upon the health care professional, he or she may request, for good cause, an extension not to exceed thirty additional calendar days. Failure to produce the documents, records, or other items shall result in citations and fines issued consistent with RCW 18.130.230. Failure to otherwise comply with the requirements of this section shall be considered unprofessional conduct and subject to sanctions under chapter 18.130 RCW.

(6) After a health care professional authorizes a qualifying patient for the medical use of marijuana, he or she may discuss with the qualifying patient how to use marijuana and the types of products the qualifying patient should seek from a retail outlet.

NEW SECTION. Sec. 19. A new section is added to chapter 69.51A RCW to read as follows:

As part of authorizing a qualifying patient or designated provider, the health care professional may include recommendations on the amount of marijuana that is likely needed by the qualifying

1 patient for his or her medical needs and in accordance with this
2 section.

3 (1) If the health care professional does not include
4 recommendations on the qualifying patient's or designated provider's
5 authorization, the marijuana retailer with a medical marijuana
6 endorsement, when adding the qualifying patient or designated
7 provider to the medical marijuana authorization database, shall enter
8 into the database that the qualifying patient or designated provider
9 may purchase or obtain at a retail outlet holding a medical marijuana
10 endorsement a combination of the following: Forty-eight ounces of
11 marijuana-infused product in solid form; three ounces of useable
12 marijuana; two hundred sixteen ounces of marijuana-infused product in
13 liquid form; or twenty-one grams of marijuana concentrates. The
14 qualifying patient or designated provider may also grow, in his or
15 her domicile, up to six plants for the personal medical use of the
16 qualifying patient and possess up to eight ounces of useable
17 marijuana produced from his or her plants. These amounts shall be
18 specified on the recognition card that is issued to the qualifying
19 patient or designated provider.

20 (2) If the health care professional determines that the medical
21 needs of a qualifying patient exceed the amounts provided for in
22 subsection (1) of this section, the health care professional must
23 specify on the authorization that it is recommended that the patient
24 be allowed to grow, in his or her domicile, up to fifteen plants for
25 the personal medical use of the patient. A patient so authorized may
26 possess up to sixteen ounces of useable marijuana in his or her
27 domicile. The number of plants must be entered into the medical
28 marijuana authorization database by the marijuana retailer with a
29 medical marijuana endorsement and specified on the recognition card
30 that is issued to the qualifying patient or designated provider.

31 (3) If a qualifying patient or designated provider with an
32 authorization from a health care professional has not been entered
33 into the medical marijuana authorization database, he or she may not
34 receive a recognition card and may only purchase at a retail outlet,
35 whether it holds a medical marijuana endorsement or not, the amounts
36 established in RCW 69.50.360. In addition the qualifying patient or
37 the designated provider may grow, in his or her domicile, up to four
38 plants for the personal medical use of the qualifying patient and
39 possess up to six ounces of useable marijuana in his or her domicile.

1 NEW SECTION. **Sec. 20.** A new section is added to chapter 69.51A
2 RCW to read as follows:

3 (1) Health care professionals may authorize the medical use of
4 marijuana for qualifying patients who are under the age of eighteen
5 if:

6 (a) The minor's parent or guardian participates in the minor's
7 treatment and agrees to the medical use of marijuana by the minor;
8 and

9 (b) The parent or guardian acts as the designated provider for
10 the minor and has sole control over the minor's marijuana.

11 (2) The minor may not grow plants or purchase marijuana-infused
12 products, useable marijuana, or marijuana concentrates from a
13 marijuana retailer with a medical marijuana endorsement.

14 (3) Both the minor and the minor's parent or guardian who is
15 acting as the designated provider must be entered in the medical
16 marijuana authorization database and hold a recognition card.

17 (4) A health care professional who authorizes the medical use of
18 marijuana by a minor must do so as part of the course of treatment of
19 the minor's terminal or debilitating medical condition. If
20 authorizing a minor for the medical use of marijuana, the health care
21 professional must:

22 (a) Consult with other health care providers involved in the
23 minor's treatment, as medically indicated, before authorization or
24 reauthorization of the medical use of marijuana; and

25 (b) Reexamine the minor at least once every six months or more
26 frequently as medically indicated. The reexamination must:

27 (i) Determine that the minor continues to have a terminal or
28 debilitating medical condition and that the condition benefits from
29 the medical use of marijuana; and

30 (ii) Include a follow-up discussion with the minor's parent or
31 guardian to ensure the parent or guardian continues to participate in
32 the treatment of the minor.

33 NEW SECTION. **Sec. 21.** A new section is added to chapter 69.51A
34 RCW to read as follows:

35 (1) The department must contract with an entity to create,
36 administer, and maintain a secure and confidential medical marijuana
37 authorization database that, beginning July 1, 2016, allows:

38 (a) A marijuana retailer with a medical marijuana endorsement to
39 add a qualifying patient or designated provider and include the

1 amount of marijuana concentrates, useable marijuana, marijuana-
2 infused products, or plants for which the qualifying patient is
3 authorized under section 19 of this act;

4 (b) Persons authorized to prescribe or dispense controlled
5 substances to access health care information on their patients for
6 the purpose of providing medical or pharmaceutical care for their
7 patients;

8 (c) A qualifying patient or designated provider to request and
9 receive his or her own health care information or information on any
10 person or entity that has queried their name or information;

11 (d) Appropriate local, state, tribal, and federal law enforcement
12 or prosecutorial officials who are engaged in a bona fide specific
13 investigation of suspected marijuana-related activity that may be
14 illegal under Washington state law to confirm the validity of the
15 recognition card of a qualifying patient or designated provider;

16 (e) A marijuana retailer holding a medical marijuana endorsement
17 to confirm the validity of the recognition card of a qualifying
18 patient or designated provider;

19 (f) The department of revenue to verify tax exemptions under
20 chapters 82.08 and 82.12 RCW;

21 (g) The department and the health care professional's
22 disciplining authorities to monitor authorizations and ensure
23 compliance with this chapter and chapter 18.130 RCW by their
24 licensees; and

25 (h) Authorizations to expire six months or one year after entry
26 into the medical marijuana authorization database, depending on
27 whether the authorization is for a minor or an adult.

28 (2) A qualifying patient and his or her designated provider, if
29 any, may be placed in the medical marijuana authorization database at
30 a marijuana retailer with a medical marijuana endorsement. After a
31 qualifying patient or designated provider is placed in the medical
32 marijuana authorization database, he or she must be provided with a
33 recognition card that contains identifiers required in subsection (3)
34 of this section.

35 (3) The recognition card requirements must be developed by the
36 department in rule and include:

37 (a) A randomly generated and unique identifying number;

38 (b) For designated providers, the unique identifying number of
39 the qualifying patient whom the provider is assisting;

1 (c) A photograph of the qualifying patient's or designated
2 provider's face taken by an employee of the marijuana retailer with a
3 medical marijuana endorsement at the same time that the qualifying
4 patient or designated provider is being placed in the medical
5 marijuana authorization database in accordance with rules adopted by
6 the department;

7 (d) The amount of marijuana concentrates, useable marijuana,
8 marijuana-infused products, or plants for which the qualifying
9 patient is authorized under section 19 of this act;

10 (e) The effective date and expiration date of the recognition
11 card;

12 (f) The name of the health care professional who authorized the
13 qualifying patient or designated provider; and

14 (g) For the recognition card, additional security features as
15 necessary to ensure its validity.

16 (4) For qualifying patients who are eighteen years of age or
17 older and their designated providers, recognition cards are valid for
18 one year from the date the health care professional issued the
19 authorization. For qualifying patients who are under the age of
20 eighteen and their designated providers, recognition cards are valid
21 for six months from the date the health care professional issued the
22 authorization. Qualifying patients may not be reentered into the
23 medical marijuana authorization database until they have been
24 reexamined by a health care professional and determined to meet the
25 definition of qualifying patient. After reexamination, a marijuana
26 retailer with a medical marijuana endorsement must reenter the
27 qualifying patient or designated provider into the medical marijuana
28 authorization database and a new recognition card will then be issued
29 in accordance with department rules.

30 (5) If a recognition card is lost or stolen, a marijuana retailer
31 with a medical marijuana endorsement, in conjunction with the
32 database administrator, may issue a new card that will be valid for
33 six months to one year if the patient is reexamined by a health care
34 professional and determined to meet the definition of qualifying
35 patient and depending on whether the patient is under the age of
36 eighteen or eighteen years of age or older as provided in subsection
37 (4) of this section. If a reexamination is not performed, the
38 expiration date of the replacement recognition card must be the same
39 as the lost or stolen recognition card.

(6) The database administrator must remove qualifying patients and designated providers from the medical marijuana authorization database upon expiration of the recognition card. Qualifying patients and designated providers may request to remove themselves from the medical marijuana authorization database before expiration of a recognition card and health care professionals may request to remove qualifying patients and designated providers from the medical marijuana authorization database if the patient or provider no longer qualifies for the medical use of marijuana. The database administrator must retain database records for at least five calendar years to permit the state liquor and cannabis board and the department of revenue to verify eligibility for tax exemptions.

(7) During development of the medical marijuana authorization database, the database administrator must consult with the department, stakeholders, and persons with relevant expertise to include, but not be limited to, qualifying patients, designated providers, health care professionals, state and local law enforcement agencies, and the University of Washington computer science and engineering security and privacy research lab or a certified cyber security firm, vendor, or service.

(8) The medical marijuana authorization database must meet the following requirements:

(a) Any personally identifiable information included in the database must be nonreversible, pursuant to definitions and standards set forth by the national institute of standards and technology;

(b) Any personally identifiable information included in the database must not be susceptible to linkage by use of data external to the database;

(c) The database must incorporate current best differential privacy practices, allowing for maximum accuracy of database queries while minimizing the chances of identifying the personally identifiable information included therein; and

(d) The database must be upgradable and updated in a timely fashion to keep current with state of the art privacy and security standards and practices.

(9)(a) Personally identifiable information of qualifying patients and designated providers included in the medical marijuana authorization database is confidential and exempt from public disclosure, inspection, or copying under chapter 42.56 RCW.

1 (b) Information contained in the medical marijuana authorization
2 database may be released in aggregate form, with all personally
3 identifying information redacted, for the purpose of statistical
4 analysis and oversight of agency performance and actions.

5 (c) Information contained in the medical marijuana authorization
6 database shall not be shared with the federal government or its
7 agents unless the particular patient or designated provider is
8 convicted in state court for violating this chapter or chapter 69.50
9 RCW.

10 (10)(a) The department must charge a one dollar fee for each
11 initial and renewal recognition card issued by a marijuana retailer
12 with a medical marijuana endorsement. The marijuana retailer with a
13 medical marijuana endorsement shall collect the fee from the
14 qualifying patient or designated provider at the time that he or she
15 is entered into the database and issued a recognition card. The
16 department shall establish a schedule for marijuana retailers with a
17 medical marijuana endorsement to remit the fees collected. Fees
18 collected under this subsection shall be deposited into the health
19 professions account created under RCW 43.70.320.

20 (b) By November 1, 2016, the department shall report to the
21 governor and the fiscal committees of both the house of
22 representatives and the senate regarding the cost of implementation
23 and administration of the medical marijuana authorization database.
24 The report must specify amounts from the health professions account
25 used to finance the establishment and administration of the medical
26 marijuana authorization database as well as estimates of the
27 continuing costs associated with operating the medical marijuana
28 database. The report must also provide initial enrollment figures in
29 the medical marijuana authorization database and estimates of
30 expected future enrollment.

31 (11) If the database administrator fails to comply with this
32 section, the department may cancel any contracts with the database
33 administrator and contract with another database administrator to
34 continue administration of the database. A database administrator who
35 fails to comply with this section is subject to a fine of up to five
36 thousand dollars in addition to any penalties established in the
37 contract. Fines collected under this section must be deposited into
38 the health professions account created under RCW 43.70.320.

39 (12) The department may adopt rules to implement this section.

1 NEW SECTION. **Sec. 22.** A new section is added to chapter 42.56

2 RCW to read as follows:

3 Records in the medical marijuana authorization database
4 established in section 21 of this act containing names and other
5 personally identifiable information of qualifying patients and
6 designated providers are exempt from disclosure under this chapter.

7 NEW SECTION. **Sec. 23.** A new section is added to chapter 69.51A

8 RCW to read as follows:

9 (1) It is unlawful for a person to knowingly or intentionally:

10 (a) Access the medical marijuana authorization database for any
11 reason not authorized under section 21 of this act;

12 (b) Disclose any information received from the medical marijuana
13 authorization database in violation of section 21 of this act
14 including, but not limited to, qualifying patient or designated
15 provider names, addresses, or amount of marijuana for which they are
16 authorized;

17 (c) Produce a recognition card or to tamper with a recognition
18 card for the purpose of having it accepted by a marijuana retailer
19 holding a medical marijuana endorsement in order to purchase
20 marijuana as a qualifying patient or designated provider or to grow
21 marijuana plants in accordance with this chapter;

22 (d) If a person is a designated provider to a qualifying patient,
23 sell, donate, or supply marijuana produced or obtained for the
24 qualifying patient to another person, or use the marijuana produced
25 or obtained for the qualifying patient for the designated provider's
26 own personal use or benefit; or

27 (e) If the person is a qualifying patient, sell, donate, or
28 otherwise supply marijuana produced or obtained by the qualifying
29 patient to another person.

30 (2) A person who violates this section is guilty of a class C
31 felony.

32 **Sec. 24.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended to
33 read as follows:

34 The medical use of ((cannabis)) marijuana in accordance with the
35 terms and conditions of this chapter does not constitute a crime and
36 a qualifying patient or designated provider in compliance with the
37 terms and conditions of this chapter may not be arrested, prosecuted,
38 or subject to other criminal sanctions or civil consequences((7)) for

possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver, ~~((cannabis))~~ marijuana under state law, or have real or personal property seized or forfeited for possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver, ~~((cannabis))~~ marijuana under state law, and investigating ~~((peace))~~ law enforcement officers and ~~((law enforcement))~~ agencies may not be held civilly liable for failure to seize ~~((cannabis))~~ marijuana in this circumstance, if:

(1)(a) The qualifying patient or designated provider has been entered into the medical marijuana authorization database and holds a valid recognition card and possesses no more than ~~((fifteen cannabis plants and:~~

~~(i) No more than twenty-four ounces of useable cannabis;~~

~~(ii) No more cannabis product than what could reasonably be produced with no more than twenty-four ounces of useable cannabis; or~~

~~(iii) A combination of useable cannabis and cannabis product that does not exceed a combined total representing possession and processing of no more than twenty-four ounces of useable cannabis))~~ the amount of marijuana concentrates, useable marijuana, plants, or marijuana-infused products authorized under section 19 of this act.

~~((b))~~ If a person is both a qualifying patient and a designated provider for another qualifying patient, the person may possess no more than twice the amounts described in ~~((a) of this subsection))~~ section 19 of this act for the qualifying patient and designated provider, whether the plants, ~~((useable cannabis, and cannabis product))~~ marijuana concentrates, useable marijuana, or marijuana-infused products are possessed individually or in combination between the qualifying patient and his or her designated provider;

~~((2))~~ (b) The qualifying patient or designated provider presents his or her ~~((proof of registration with the department of health,))~~ recognition card to any ~~((peace))~~ law enforcement officer who questions the patient or provider regarding his or her medical use of ~~((cannabis))~~ marijuana;

~~((3))~~ (c) The qualifying patient or designated provider keeps a copy of his or her ~~((proof of registration with the registry established in section 901 of this act))~~ recognition card and the qualifying patient or designated provider's contact information posted prominently next to any ~~((cannabis))~~ plants, ~~((cannabis))~~ marijuana concentrates, marijuana-infused products, or useable ~~((cannabis))~~ marijuana located at his or her residence;

~~((4))~~ (d) The investigating ~~((peace))~~ law enforcement officer does not possess evidence that:

~~((a))~~ (i) The designated provider has converted ~~((cannabis))~~ marijuana produced or obtained for the qualifying patient for his or her own personal use or benefit; or

~~((b))~~ (ii) The qualifying patient ~~((has converted cannabis produced or obtained for his or her own medical use to the qualifying patient's personal, nonmedical use or benefit))~~ sold, donated, or supplied marijuana to another person; and

~~((5))~~ (e) The ~~((investigating peace officer does not possess evidence that the))~~ designated provider has not served as a designated provider to more than one qualifying patient within a fifteen-day period; ~~((and~~

~~+6))~~ or

(2) The ~~((investigating peace officer has not observed evidence of any of the circumstances identified in section 901(4))~~ qualifying patient or designated provider participates in a cooperative as provided in section 26 of this act.

Sec. 25. RCW 69.51A.043 and 2011 c 181 s 402 are each amended to read as follows:

(1) A qualifying patient or designated provider who has a valid authorization from his or her health care professional, but is not ~~((registered with the registry established in section 901 of this act))~~ entered in the medical marijuana authorization database and does not have a recognition card may raise the affirmative defense set forth in subsection (2) of this section, if:

(a) The qualifying patient or designated provider presents his or her ~~((valid documentation to any peace))~~ authorization to any law enforcement officer who questions the patient or provider regarding his or her medical use of ~~((cannabis))~~ marijuana;

(b) The qualifying patient or designated provider possesses no more ~~((cannabis))~~ marijuana than the limits set forth in ~~((RCW 69.51A.040(1))~~ section 19(3) of this act;

(c) The qualifying patient or designated provider is in compliance with all other terms and conditions of this chapter;

(d) The investigating ~~((peace))~~ law enforcement officer does not have probable cause to believe that the qualifying patient or designated provider has committed a felony, or is committing a

1 misdemeanor in the officer's presence, that does not relate to the
 2 medical use of ~~((cannabis))~~ marijuana; and

3 (e) No outstanding warrant for arrest exists for the qualifying
 4 patient or designated provider ~~((; and~~

5 ~~((f) The investigating peace officer has not observed evidence of~~
 6 ~~any of the circumstances identified in section 901(4) of this act)).~~

7 (2) A qualifying patient or designated provider who is not
 8 ~~((registered with the registry established in section 901 of this~~
 9 ~~act))~~ entered in the medical marijuana authorization database and
 10 does not have a recognition card, but who presents his or her ~~((valid~~
 11 ~~documentation))~~ authorization to any ~~((peace))~~ law enforcement
 12 officer who questions the patient or provider regarding his or her
 13 medical use of ~~((cannabis))~~ marijuana, may assert an affirmative
 14 defense to charges of violations of state law relating to
 15 ~~((cannabis))~~ marijuana through proof at trial, by a preponderance of
 16 the evidence, that he or she otherwise meets the requirements of RCW
 17 69.51A.040. A qualifying patient or designated provider meeting the
 18 conditions of this subsection but possessing more ~~((cannabis))~~
 19 marijuana than the limits set forth in ~~((RCW 69.51A.040(1)))~~ section
 20 19(3) of this act may, in the investigating ~~((peace))~~ law enforcement
 21 officer's discretion, be taken into custody and booked into jail in
 22 connection with the investigation of the incident.

23 NEW SECTION. Sec. 26. A new section is added to chapter 69.51A
 24 RCW to read as follows:

25 (1) Qualifying patients or designated providers may form a
 26 cooperative and share responsibility for acquiring and supplying the
 27 resources needed to produce and process marijuana only for the
 28 medical use of members of the cooperative. No more than four
 29 qualifying patients or designated providers may become members of a
 30 cooperative under this section and all members must hold valid
 31 recognition cards. All members of the cooperative must be at least
 32 twenty-one years old. The designated provider of a qualifying patient
 33 who is under twenty-one years old may be a member of a cooperative on
 34 the qualifying patient's behalf.

35 (2) Cooperatives may not be located within one mile of a
 36 marijuana retailer. People who wish to form a cooperative must
 37 register the location with the state liquor and cannabis board and
 38 this is the only location where cooperative members may grow or
 39 process marijuana. This registration must include the names of all

1 participating members and copies of each participant's recognition
2 card. Only qualifying patients or designated providers registered
3 with the state liquor and cannabis board in association with the
4 location may participate in growing or receive useable marijuana or
5 marijuana-infused products grown at that location. The state liquor
6 and cannabis board must deny the registration of any cooperative if
7 the location is within one mile of a marijuana retailer.

8 (3) If a qualifying patient or designated provider no longer
9 participates in growing at the location, he or she must notify the
10 state liquor and cannabis board within fifteen days of the date the
11 qualifying patient or designated provider ceases participation. The
12 state liquor and cannabis board must remove his or her name from
13 connection to the cooperative. Additional qualifying patients or
14 designated providers may not join the cooperative until sixty days
15 have passed since the date on which the last qualifying patient or
16 designated provider notifies the state liquor and cannabis board that
17 he or she no longer participates in that cooperative.

18 (4) Qualifying patients or designated providers who participate
19 in a cooperative under this section:

20 (a) May grow up to the total amount of plants for which each
21 participating member is authorized on their recognition cards, up to
22 a maximum of sixty plants. At the location, the qualifying patients
23 or designated providers may possess the amount of useable marijuana
24 that can be produced with the number of plants permitted under this
25 subsection, but no more than seventy-two ounces;

26 (b) May only participate in one cooperative;

27 (c) May only grow plants in the cooperative and if he or she
28 grows plants in the cooperative may not grow plants elsewhere;

29 (d) Must provide assistance in growing plants. A monetary
30 contribution or donation is not to be considered assistance under
31 this section. Participants must provide nonmonetary resources and
32 labor in order to participate; and

33 (e) May not sell, donate, or otherwise provide marijuana,
34 marijuana concentrates, useable marijuana, or marijuana-infused
35 products to a person who is not participating under this section.

36 (5) The location of the cooperative must be the domicile of one
37 of the participants. Only one cooperative may be located per property
38 tax parcel. A copy of each participant's recognition card must be
39 kept at the location at all times.

(6) The state liquor and cannabis board may adopt rules to implement this section including:

(a) Any security requirements necessary to ensure the safety of the cooperative and to reduce the risk of diversion from the cooperative;

(b) A seed to sale traceability model that is similar to the seed to sale traceability model used by licensees that will allow the state liquor and cannabis board to track all marijuana grown in a cooperative.

(7) The state liquor and cannabis board or law enforcement may inspect a cooperative registered under this section to ensure members are in compliance with this section. The state liquor and cannabis board must adopt rules on reasonable inspection hours and reasons for inspections.

NEW SECTION. **Sec. 27.** A new section is added to chapter 69.51A RCW to read as follows:

(1) Notwithstanding any other provision of this chapter and even if multiple qualifying patients or designated providers reside in the same housing unit, no more than fifteen plants may be grown or located in any one housing unit other than a cooperative established pursuant to section 26 of this act.

(2) Neither the production nor processing of marijuana or marijuana-infused products pursuant to this section nor the storage or growing of plants may occur if any portion of such activity can be readily seen by normal unaided vision or readily smelled from a public place or the private property of another housing unit.

(3) Cities, towns, counties, and other municipalities may create and enforce civil penalties, including abatement procedures, for the growing or processing of marijuana and for keeping marijuana plants beyond or otherwise not in compliance with this section.

NEW SECTION. **Sec. 28.** A new section is added to chapter 69.51A RCW to read as follows:

(1) Once the state liquor and cannabis board adopts rules under subsection (2) of this section, qualifying patients or designated providers may only extract or separate the resin from marijuana or produce or process any form of marijuana concentrates or marijuana-infused products in accordance with those standards.

(2) The state liquor and cannabis board must adopt rules permitting qualifying patients and designated providers to extract or separate the resin from marijuana using noncombustible methods. The rules must provide the noncombustible methods permitted and any restrictions on this practice.

Sec. 29. RCW 69.51A.045 and 2011 c 181 s 405 are each amended to read as follows:

(1) A qualifying patient or designated provider in possession of ~~((cannabis))~~ plants, marijuana concentrates, useable ~~((cannabis))~~ marijuana, or ~~((cannabis))~~ marijuana-infused products exceeding the limits set forth in ~~((RCW 69.51A.040(1)))~~ this chapter but otherwise in compliance with all other terms and conditions of this chapter may establish an affirmative defense to charges of violations of state law relating to ~~((cannabis))~~ marijuana through proof at trial, by a preponderance of the evidence, that the qualifying patient's necessary medical use exceeds the amounts set forth in RCW 69.51A.040(~~((1)))~~.

(2) An investigating ~~((peace))~~ law enforcement officer may seize ~~((cannabis))~~ plants, marijuana concentrates, useable ~~((cannabis))~~ marijuana, or ~~((cannabis))~~ marijuana-infused products exceeding the amounts set forth in ~~((RCW 69.51A.040(1): PROVIDED, That))~~ this chapter. In the case of ~~((cannabis))~~ plants, the qualifying patient or designated provider shall be allowed to select the plants that will remain at the location. The officer and his or her law enforcement agency may not be held civilly liable for failure to seize ~~((cannabis))~~ marijuana in this circumstance.

Sec. 30. RCW 69.51A.055 and 2011 c 181 s 1105 are each amended to read as follows:

(1)(a) The arrest and prosecution protections established in RCW 69.51A.040 may not be asserted in a supervision revocation or violation hearing by a person who is supervised by a corrections agency or department, including local governments or jails, that has determined that the terms of this section are inconsistent with and contrary to his or her supervision.

(b) The affirmative defenses established in RCW 69.51A.043(~~((7))~~) and 69.51A.045(~~((7, 69.51A.047, and section 407 of this act))~~) may not be asserted in a supervision revocation or violation hearing by a person who is supervised by a corrections agency or department,

including local governments or jails, that has determined that the terms of this section are inconsistent with and contrary to his or her supervision.

(2) (~~The provisions of~~) RCW 69.51A.040(~~(, 69.51A.085, and 69.51A.025 do)~~) does not apply to a person who is supervised for a criminal conviction by a corrections agency or department, including local governments or jails, that has determined that the terms of this chapter are inconsistent with and contrary to his or her supervision.

~~((3) A person may not be licensed as a licensed producer, licensed processor of cannabis products, or a licensed dispenser under section 601, 602, or 701 of this act if he or she is supervised for a criminal conviction by a corrections agency or department, including local governments or jails, that has determined that licensure is inconsistent with and contrary to his or her supervision.))~~

Sec. 31. RCW 69.51A.060 and 2011 c 181 s 501 are each amended to read as follows:

(1) It shall be a class 3 civil infraction to use or display medical ~~((cannabis))~~ marijuana in a manner or place which is open to the view of the general public.

(2) Nothing in this chapter establishes a right of care as a covered benefit or requires any state purchased health care as defined in RCW 41.05.011 or other health carrier or health plan as defined in Title 48 RCW to be liable for any claim for reimbursement for the medical use of ~~((cannabis))~~ marijuana. Such entities may enact coverage or noncoverage criteria or related policies for payment or nonpayment of medical ~~((cannabis))~~ marijuana in their sole discretion.

(3) Nothing in this chapter requires any health care professional to authorize the medical use of ~~((cannabis))~~ marijuana for a patient.

(4) Nothing in this chapter requires any accommodation of any on-site medical use of ~~((cannabis))~~ marijuana in any place of employment, in any school bus or on any school grounds, in any youth center, in any correctional facility, or smoking ~~((cannabis))~~ marijuana in any public place or hotel or motel. However, a school may permit a minor who meets the requirements of section 20 of this act to consume marijuana on school grounds. Such use must be in

1 accordance with school policy relating to medication use on school
 2 grounds.

3 (5) Nothing in this chapter authorizes the possession or use of
 4 marijuana, marijuana concentrates, useable marijuana, or marijuana-
 5 infused products on federal property.

6 ~~((+5))~~ (6) Nothing in this chapter authorizes the use of medical
 7 ~~((cannabis))~~ marijuana by any person who is subject to the Washington
 8 code of military justice in chapter 38.38 RCW.

9 ~~((+6))~~ (7) Employers may establish drug-free work policies.
 10 Nothing in this chapter requires an accommodation for the medical use
 11 of ~~((cannabis))~~ marijuana if an employer has a drug-free workplace.

12 ~~((+7) It is a class C felony to fraudulently produce any record~~
 13 ~~purporting to be, or tamper with the content of any record for the~~
 14 ~~purpose of having it accepted as, valid documentation under RCW~~
 15 ~~69.51A.010(32)(a), or to backdate such documentation to a time~~
 16 ~~earlier than its actual date of execution.))~~

17 (8) No person shall be entitled to claim the protection from
 18 arrest and prosecution under RCW 69.51A.040 or the affirmative
 19 defense under RCW 69.51A.043 for engaging in the medical use of
 20 ~~((cannabis))~~ marijuana in a way that endangers the health or well-
 21 being of any person through the use of a motorized vehicle on a
 22 street, road, or highway, including violations of RCW 46.61.502 or
 23 46.61.504, or equivalent local ordinances.

24 **Sec. 32.** RCW 69.51A.085 and 2011 c 181 s 403 are each amended to
 25 read as follows:

26 (1) Qualifying patients may create and participate in collective
 27 gardens for the purpose of producing, processing, transporting, and
 28 delivering ~~((cannabis))~~ marijuana for medical use subject to the
 29 following conditions:

30 (a) No more than ten qualifying patients may participate in a
 31 single collective garden at any time;

32 (b) No person under the age of twenty-one may participate in a
 33 collective garden or receive marijuana that was produced, processed,
 34 transported, or delivered through a collective garden. A designated
 35 provider for a person who is under the age of twenty-one may
 36 participate in a collective garden on behalf of the person under the
 37 age of twenty-one;

38 (c) A collective garden may contain no more than fifteen plants
 39 per patient up to a total of forty-five plants;

1 ~~((e))~~ (d) A collective garden may contain no more than twenty-
 2 four ounces of useable ~~((cannabis))~~ marijuana per patient up to a
 3 total of seventy-two ounces of useable ~~((cannabis))~~ marijuana;

4 ~~((d))~~ (e) A copy of each qualifying patient's ~~((valid~~
 5 ~~documentation or proof of registration with the registry established~~
 6 ~~in section 901 of this act))~~ authorization, including a copy of the
 7 patient's proof of identity, must be available at all times on the
 8 premises of the collective garden; and

9 ~~((e))~~ (f) No useable ~~((cannabis))~~ marijuana from the collective
 10 garden is delivered to anyone other than one of the qualifying
 11 patients participating in the collective garden.

12 (2) For purposes of this section, the creation of a "collective
 13 garden" means qualifying patients sharing responsibility for
 14 acquiring and supplying the resources required to produce and process
 15 cannabis for medical use such as, for example, a location for a
 16 collective garden; equipment, supplies, and labor necessary to plant,
 17 grow, and harvest ~~((cannabis; cannabis))~~ marijuana plants, seeds, and
 18 cuttings; and equipment, supplies, and labor necessary for proper
 19 construction, plumbing, wiring, and ventilation of a garden of
 20 ~~((cannabis))~~ marijuana plants.

21 (3) A person who knowingly violates a provision of subsection (1)
 22 of this section is not entitled to the protections of this chapter.

23 NEW SECTION. Sec. 33. A new section is added to chapter 69.50
 24 RCW to read as follows:

25 (1) The state liquor and cannabis board may conduct controlled
 26 purchase programs to determine whether:

27 (a) A marijuana retailer is unlawfully selling marijuana to
 28 persons under the age of twenty-one;

29 (b) A marijuana retailer holding a medical marijuana endorsement
 30 is selling to persons under the age of eighteen or selling to persons
 31 between the ages of eighteen and twenty-one who do not hold valid
 32 recognition cards;

33 (c) Until July 1, 2016, collective gardens under RCW 69.51A.085
 34 are providing marijuana to persons under the age of twenty-one; or

35 (d) A cooperative organized under section 26 of this act is
 36 permitting a person under the age of twenty-one to participate.

37 (2) Every person under the age of twenty-one years who purchases
 38 or attempts to purchase marijuana is guilty of a violation of this
 39 section. This section does not apply to:

(a) Persons between the ages of eighteen and twenty-one who hold valid recognition cards and purchase marijuana at a marijuana retail outlet holding a medical marijuana endorsement;

(b) Persons between the ages of eighteen and twenty-one years who are participating in a controlled purchase program authorized by the state liquor and cannabis board under rules adopted by the board. Violations occurring under a private, controlled purchase program authorized by the state liquor and cannabis board may not be used for criminal or administrative prosecution.

(3) A marijuana retailer who conducts an in-house controlled purchase program authorized under this section shall provide his or her employees a written description of the employer's in-house controlled purchase program. The written description must include notice of actions an employer may take as a consequence of an employee's failure to comply with company policies regarding the sale of marijuana during an in-house controlled purchase program.

(4) An in-house controlled purchase program authorized under this section shall be for the purposes of employee training and employer self-compliance checks. A marijuana retailer may not terminate an employee solely for a first-time failure to comply with company policies regarding the sale of marijuana during an in-house controlled purchase program authorized under this section.

(5) Every person between the ages of eighteen and twenty-one who is convicted of a violation of this section is guilty of a misdemeanor punishable as provided by RCW 9A.20.021.

Sec. 34. RCW 69.51A.100 and 2011 c 181 s 404 are each amended to read as follows:

(1) A qualifying patient may revoke his or her designation of a specific designated provider and designate a different designated provider at any time. A revocation of designation must be in writing, signed and dated, and provided to the designated provider and, if applicable, the medical marijuana authorization database administrator. The protections of this chapter cease to apply to a person who has served as a designated provider to a qualifying patient seventy-two hours after receipt of that patient's revocation of his or her designation.

(2) A person may stop serving as a designated provider to a given qualifying patient at any time by revoking that designation in writing, signed and dated, and provided to the qualifying patient

1 and, if applicable, the medical marijuana authorization database
 2 administrator. However, that person may not begin serving as a
 3 designated provider to a different qualifying patient until fifteen
 4 days have elapsed from the date the last qualifying patient
 5 designated him or her to serve as a provider.

6 (3) The department may adopt rules to implement this section,
 7 including a procedure to remove the name of the designated provider
 8 from the medical marijuana authorization database upon receipt of a
 9 revocation under this section.

10 NEW SECTION. Sec. 35. A new section is added to chapter 69.51A
 11 RCW to read as follows:

12 Neither this chapter nor chapter 69.50 RCW prohibits a health
 13 care professional from selling or donating topical, noningestible
 14 products that have a THC concentration of less than .3 percent to
 15 qualifying patients.

16 ****NEW SECTION. Sec. 36. A new section is added to chapter 69.51A***
 17 ***RCW to read as follows:***

18 ***Employers of a health care professional may not prohibit or limit***
 19 ***the authority of any health care professional to:***

20 ***(1) Advise a patient about the risks and benefits of the medical***
 21 ***use of marijuana or that the patient may benefit from the medical use***
 22 ***of marijuana; or***

23 ***(2) Provide a patient or designated provider meeting the criteria***
 24 ***established under RCW 69.51A.010 with an authorization, based upon***
 25 ***the health care professional's assessment of the patient's medical***
 26 ***history and current medical condition, if the health care***
 27 ***professional has complied with this chapter and he or she determines***
 28 ***within a professional standard of care or in the individual health***
 29 ***care professional's medical judgment the qualifying patient may***
 30 ***benefit from the medical use of marijuana.***

****Sec. 36 was vetoed. See message at end of chapter.***

31 NEW SECTION. Sec. 37. A new section is added to chapter 69.51A
 32 RCW to read as follows:

33 A medical marijuana consultant certificate is hereby established.

34 (1) In addition to any other authority provided by law, the
 35 secretary of the department may:

1 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary
2 to implement this chapter;

3 (b) Establish forms and procedures necessary to administer this
4 chapter;

5 (c) Approve training or education programs that meet the
6 requirements of this section and any rules adopted to implement it;

7 (d) Receive criminal history record information that includes
8 nonconviction information data for any purpose associated with
9 initial certification or renewal of certification. The secretary
10 shall require each applicant for initial certification to obtain a
11 state or federal criminal history record information background check
12 through the state patrol or the state patrol and the identification
13 division of the federal bureau of investigation prior to the issuance
14 of any certificate. The secretary shall specify those situations
15 where a state background check is inadequate and an applicant must
16 obtain an electronic fingerprint-based national background check
17 through the state patrol and federal bureau of investigation.
18 Situations where a background check is inadequate may include
19 instances where an applicant has recently lived out-of-state or where
20 the applicant has a criminal record in Washington;

21 (e) Establish administrative procedures, administrative
22 requirements, and fees in accordance with RCW 43.70.110 and
23 43.70.250; and

24 (f) Maintain the official department record of all applicants and
25 certificate holders.

26 (2) A training or education program approved by the secretary
27 must include the following topics:

28 (a) The medical conditions that constitute terminal or
29 debilitating conditions, and the symptoms of those conditions;

30 (b) Short and long-term effects of cannabinoids;

31 (c) Products that may benefit qualifying patients based on the
32 patient's terminal or debilitating medical condition;

33 (d) Risks and benefits of various routes of administration;

34 (e) Safe handling and storage of useable marijuana, marijuana-
35 infused products, and marijuana concentrates, including strategies to
36 reduce access by minors;

37 (f) Demonstrated knowledge of this chapter and the rules adopted
38 to implement it; and

39 (g) Other subjects deemed necessary and appropriate by the
40 secretary to ensure medical marijuana consultant certificate holders

1 are able to provide evidence-based and medically accurate advice on
2 the medical use of marijuana.

3 (3) Medical marijuana consultant certificates are subject to
4 annual renewals and continuing education requirements established by
5 the secretary.

6 (4) The secretary shall have the power to refuse, suspend, or
7 revoke the certificate of any medical marijuana consultant upon proof
8 that:

9 (a) The certificate was procured through fraud,
10 misrepresentation, or deceit;

11 (b) The certificate holder has committed acts in violation of
12 subsection (6) of this section; or

13 (c) The certificate holder has violated or has permitted any
14 employee or volunteer to violate any of the laws of this state
15 relating to drugs or controlled substances or has been convicted of a
16 felony.

17 In any case of the refusal, suspension, or revocation of a
18 certificate by the secretary under the provisions of this chapter,
19 appeal may be taken in accordance with chapter 34.05 RCW, the
20 administrative procedure act.

21 (5) A medical marijuana consultant may provide the following
22 services when acting as an owner, employee, or volunteer of a retail
23 outlet licensed under RCW 69.50.354 and holding a medical marijuana
24 endorsement under section 10 of this act:

25 (a) Assisting a customer with the selection of products sold at
26 the retail outlet that may benefit the qualifying patient's terminal
27 or debilitating medical condition;

28 (b) Describing the risks and benefits of products sold at the
29 retail outlet;

30 (c) Describing the risks and benefits of methods of
31 administration of products sold at the retail outlet;

32 (d) Advising a customer about the safe handling and storage of
33 useable marijuana, marijuana-infused products, and marijuana
34 concentrates, including strategies to reduce access by minors; and

35 (e) Providing instruction and demonstrations to customers about
36 proper use and application of useable marijuana, marijuana-infused
37 products, and marijuana concentrates.

38 (6) Nothing in this section authorizes a medical marijuana
39 consultant to:

1 (a) Offer or undertake to diagnose or cure any human disease,
2 ailment, injury, infirmity, deformity, pain, or other condition,
3 physical or mental, real or imaginary, by use of marijuana or any
4 other means or instrumentality; or

5 (b) Recommend or suggest modification or elimination of any
6 course of treatment that does not involve the medical use of
7 marijuana.

8 (7) Nothing in this section requires an owner, employee, or
9 volunteer of a retail outlet licensed under RCW 69.50.354 and holding
10 a medical marijuana endorsement under section 10 of this act to
11 obtain a medical marijuana consultant certification.

12 (8) Nothing in this section applies to the practice of a health
13 care profession by individuals who are licensed, certified, or
14 registered in a profession listed in RCW 18.130.040(2) and who are
15 performing services within their authorized scope of practice.

16 NEW SECTION. Sec. 38. A new section is added to chapter 69.51A
17 RCW to read as follows:

18 The board of naturopathy, the board of osteopathic medicine and
19 surgery, the medical quality assurance commission, and the nursing
20 care quality assurance commission shall develop and approve
21 continuing education programs related to the use of marijuana for
22 medical purposes for the health care providers that they each
23 regulate that are based upon practice guidelines that have been
24 adopted by each entity.

25 **Sec. 39.** RCW 43.70.320 and 2008 c 134 s 16 are each amended to
26 read as follows:

27 (1) There is created in the state treasury an account to be known
28 as the health professions account. All fees received by the
29 department for health professions licenses, registration,
30 certifications, renewals, or examinations and the civil penalties
31 assessed and collected by the department under RCW 18.130.190 shall
32 be forwarded to the state treasurer who shall credit such moneys to
33 the health professions account.

34 (2) All expenses incurred in carrying out the health professions
35 licensing activities of the department and implementing and
36 administering the medical marijuana authorization database
37 established in section 21 of this act shall be paid from the account
38 as authorized by legislative appropriation, except as provided in

subsection (4) of this section. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(3) The secretary shall biennially prepare a budget request based on the anticipated costs of administering the health professions licensing activities of the department which shall include the estimated income from health professions fees.

(4) The secretary shall, at the request of a board or commission as applicable, spend unappropriated funds in the health professions account that are allocated to the requesting board or commission to meet unanticipated costs of that board or commission when revenues exceed more than fifteen percent over the department's estimated six-year spending projections for the requesting board or commission. Unanticipated costs shall be limited to spending as authorized in subsection (3) of this section for anticipated costs.

NEW SECTION. **Sec. 40.** A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to any cooperative in respect to growing marijuana, or manufacturing marijuana concentrates, useable marijuana, or marijuana-infused products, as those terms are defined in RCW 69.50.101.

(2) The tax preference authorized in this section is not subject to the provisions of RCW 82.32.805 and 82.32.808.

NEW SECTION. **Sec. 41.** (1) The department of health must develop recommendations on establishing medical marijuana specialty clinics that would allow for the authorization and dispensing of marijuana to patients of health care professionals who work on-site of the clinic and who are certified by the department of health in the medical use of marijuana.

(2) Recommendations must be reported to the chairs of the health care committees of both the senate and house of representatives by December 1, 2015.

****Sec. 42. RCW 69.50.203 and 2013 c 19 s 88 are each amended to read as follows:***

(a) Except as provided in subsection (c) of this section, the commission shall place a substance in Schedule I upon finding that the substance:

(1) has high potential for abuse;

(2) has no currently accepted medical use in treatment in the United States; and

(3) lacks accepted safety for use in treatment under medical supervision.

(b) The commission may place a substance in Schedule I without making the findings required by subsection (a) of this section if the substance is controlled under Schedule I of the federal Controlled Substances Act by a federal agency as the result of an international treaty, convention, or protocol.

(c) No marijuana concentrates, useable marijuana, or marijuana-infused product that the department has identified in rules adopted pursuant to section 10(4) of this act as appropriate for sale to qualifying patients and designated providers in a retail outlet that holds a medical marijuana endorsement shall be deemed to have met the criteria established in subsection (a) of this section and may not be placed in Schedule I.

*Sec. 42 was vetoed. See message at end of chapter.

*Sec. 43. RCW 69.50.204 and 2010 c 177 s 2 are each amended to read as follows:

Unless specifically excepted by state or federal law or regulation or more specifically included in another schedule, the following controlled substances are listed in Schedule I:

(a) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

(2) Acetylmethadol;

(3) Allylprodine;

(4) Alphacetylmethadol, except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

(5) Alphameprodine;

(6) Alphamethadol;

(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenylethyl)-4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

- 1 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
- 2 piperidinyl]-N-phenylpropanamide);
- 3 (9) Benzethidine;
- 4 (10) Betacetylmethadol;
- 5 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
- 6 piperidinyl]-N-phenylpropanamide);
- 7 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names: N-
- 8 [1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-
- 9 phenylpropanamide;
- 10 (13) Betameprodine;
- 11 (14) Betamethadol;
- 12 (15) Betaprodine;
- 13 (16) Clonitazene;
- 14 (17) Dextromoramide;
- 15 (18) Diampromide;
- 16 (19) Diethylthiambutene;
- 17 (20) Difenoxin;
- 18 (21) Dimenoxadol;
- 19 (22) Dimepheptanol;
- 20 (23) Dimethylthiambutene;
- 21 (24) Dioxaphetyl butyrate;
- 22 (25) Dipipanone;
- 23 (26) Ethylmethylthiambutene;
- 24 (27) Etonitazene;
- 25 (28) Etoxeridine;
- 26 (29) Furethidine;
- 27 (30) Hydroxypethidine;
- 28 (31) Ketobemidone;
- 29 (32) Levomoramide;
- 30 (33) Levophenacylmorphane;
- 31 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 32 piperidyl]-N-phenylprop anamide);
- 33 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
- 34 piperidinyl]-N-phenylpropanamide);
- 35 (36) Morpheridine;
- 36 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 37 (38) Noracymethadol;
- 38 (39) Norlevorphanol;
- 39 (40) Normethadone;
- 40 (41) Norpipanone;

(42) *Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide);*

(43) *PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);*

(44) *Phenadoxone;*

(45) *Phenampromide;*

(46) *Phenomorphane;*

(47) *Phenoperidine;*

(48) *Piritramide;*

(49) *Proheptazine;*

(50) *Properidine;*

(51) *Propiram;*

(52) *Racemoramide;*

(53) *Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);*

(54) *Tilidine;*

(55) *Trimeperidine.*

(b) *Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:*

(1) *Acetorphine;*

(2) *Acetyldihydrocodeine;*

(3) *Benzylmorphine;*

(4) *Codeine methylbromide;*

(5) *Codeine-N-Oxide;*

(6) *Cyprenorphine;*

(7) *Desomorphine;*

(8) *Dihydromorphine;*

(9) *Drotebanol;*

(10) *Etorphine, except hydrochloride salt;*

(11) *Heroin;*

(12) *Hydromorphanol;*

(13) *Methyldesorphine;*

(14) *Methyldihydromorphine;*

(15) *Morphine methylbromide;*

(16) *Morphine methylsulfonate;*

(17) *Morphine-N-Oxide;*

(18) *Myrophine;*

(19) *Nicocodeine;*

(20) Nicomorphine;

(21) Normorphine;

(22) Pholcodine;

(23) Thebacon.

(c) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation. For the purposes of this subsection only, the term "isomer" includes the optical, position, and geometric isomers:

(1) Alpha-ethyltryptamine: Some trade or other names: Etryptamine; monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; and AET;

(2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names: 4-bromo-2,5-dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA;

(3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, nexus;

(4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-dimethoxy- α -methylphenethylamine; 2,5-DMA;

(5) 2,5-dimethoxy-4-ethylamphetamine (DOET);

(6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name: 2C-T-7;

(7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy- α -methylphenethylamine; paramethoxyamphetamine, PMA;

(8) 5-methoxy-3,4-methylenedioxy-amphetamine;

(9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other names: 4-methyl-2,5-dimethoxy- α -methylphenethylamine; "DOM"; and "STP";

(10) 3,4-methylenedioxy amphetamine;

(11) 3,4-methylenedioxymethamphetamine (MDMA);

(12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA;

(13) N-hydroxy-3,4-methylenedioxyamphetamine also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-hydroxy MDA;

(14) 3,4,5-trimethoxy amphetamine;

(15) Alpha-methyltryptamine: Other name: AMT;

(16) Bufotenine: Some trade or other names: 3-(beta-Dimethylaminoethyl)-5-hydroxindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;

(17) Diethyltryptamine: Some trade or other names: N,N-Diethyltryptamine; DET;

(18) Dimethyltryptamine: Some trade or other names: DMT;

(19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;

(20) Ibogaine: Some trade or other names: 7-Ethyl-6,6 beta, 7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2' 1,2) azepino (5,4-b) indole; Tabernanthe iboga;

(21) Lysergic acid diethylamide;

(22) Marihuana or marijuana, except for any marijuana concentrates, useable marijuana, or marijuana-infused products identified by the department in rules adopted pursuant to section 10(4) of this act as appropriate for sale to qualifying patients and designated providers in a retail outlet that holds a medical marijuana endorsement;

(23) Mescaline;

(24) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo[b,d]pyran; synhexyl;

(25) Peyote, meaning all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812 (c), Schedule I (c)(12));

(26) N-ethyl-3-piperidyl benzilate;

(27) N-methyl-3-piperidyl benzilate;

(28) Psilocybin;

(29) Psilocyn;

(30)(i) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of *Cannabis*, species, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:

1 ~~((i))~~ (A) 1 - cis - or trans tetrahydrocannabinol, and their
 2 optical isomers, excluding tetrahydrocannabinol in sesame oil and
 3 encapsulated in a soft gelatin capsule in a drug product approved by
 4 the United States Food and Drug Administration;

5 ~~((ii))~~ (B) 6 - cis - or trans tetrahydrocannabinol, and their
 6 optical isomers;

7 ~~((iii))~~ (C) 3,4 - cis - or trans tetrahydrocannabinol, and its
 8 optical isomers;

9 (Since nomenclature of these substances is not internationally
 10 standardized, compounds of these structures, regardless of numerical
 11 designation of atomic positions covered.)

12 (ii) The term "tetrahydrocannabinols" does not include any
 13 marijuana concentrates, useable marijuana, or marijuana-infused
 14 products identified by the department in rules adopted pursuant to
 15 section 10(4) of this act as appropriate for sale to qualifying
 16 patients and designated providers in a retail outlet that holds a
 17 medical marijuana endorsement;

18 (31) Ethylamine analog of phencyclidine: Some trade or other
 19 names: N-ethyl-1phenylcyclohexylamine, (1-phenylcyclohexyl)
 20 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

21 (32) Pyrrolidine analog of phencyclidine: Some trade or other
 22 names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

23 (33) Thiophene analog of phencyclidine: Some trade or other
 24 names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of
 25 phencyclidine; TPCP; TCP;

26 (34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other
 27 name is TCPy.

28 (d) Depressants. Unless specifically excepted or unless listed in
 29 another schedule, any material, compound, mixture, or preparation
 30 which contains any quantity of the following substances having a
 31 depressant effect on the central nervous system, including its salts,
 32 isomers, and salts of isomers whenever the existence of such salts,
 33 isomers, and salts of isomers is possible within the specific
 34 chemical designation.

35 (1) Gamma-hydroxybutyric acid: Some other names include GHB;
 36 gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid;
 37 sodium oxybate; sodium oxybutyrate;

38 (2) Mecloqualone;

39 (3) Methaqualone.

(e) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) *Aminorex:* Some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4, 5-dihydro-5-phenyl-2-oxazolamine;

(2) *N-Benzylpiperazine:* Some other names: BZP, 1-benzylpiperazine;

(3) *Cathinone,* also known as 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

(4) *Fenethylline;*

(5) *Methcathinone:* Some other names: 2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and salts of optical isomers;

(6) *(+)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);*

(7) *N-ethylamphetamine;*

(8) *N,N-dimethylamphetamine:* Some trade or other names: N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

The controlled substances in this section may be added, rescheduled, or deleted as provided for in RCW 69.50.201.

*Sec. 43 was vetoed. See message at end of chapter.

***NEW SECTION.** Sec. 44. A new section is added to chapter 69.50 RCW to read as follows:

(1) It is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, marijuana concentrates, useable marijuana, and marijuana-infused products identified by the department in rules adopted pursuant to section 10(4) of this act as appropriate for sale to qualifying patients and designated providers in a retail outlet that holds a medical marijuana endorsement, except:

(a) As those activities are associated with the lawful operation as a licensed marijuana producer, processor, retailer, or retailer with a medical marijuana endorsement in compliance with this chapter and chapter 69.51A RCW;

1 (b) In association with the lawful operation of a cooperative
2 established pursuant to, and operating in compliance with, section 26
3 of this act;

4 (c) Until July 1, 2016, in association with the lawful operation
5 of a collection garden established pursuant to, and operating in
6 compliance with RCW 69.51A.085; or

7 (d) As the activities of a designated provider or qualifying
8 patient support the personal, medical use of a qualifying patient in
9 compliance with section 27 of this act.

10 (2) Any person who violates this section is guilty of a class B
11 felony.

*Sec. 44 was vetoed. See message at end of chapter.

12 *NEW SECTION. Sec. 45. A new section is added to chapter 69.50
13 RCW to read as follows:

14 (1) It is unlawful for any person to possess marijuana
15 concentrates, useable marijuana, and marijuana-infused products
16 identified by the department in rules adopted pursuant to section
17 10(4) of this act as appropriate for sale to qualifying patients and
18 designated providers in a retail outlet that holds a medical
19 marijuana endorsement, unless:

20 (a) It is obtained and possessed by a designated provider or
21 qualifying patient in an amount that does not exceed those authorized
22 in section 19 of this act and the substance is obtained from:

23 (i) A licensed marijuana retailer or retailer with a medical
24 marijuana endorsement operating in compliance with this chapter and
25 chapter 69.51A RCW;

26 (ii) A cooperative established pursuant to, and operating in
27 compliance with, section 26 of this act;

28 (iii) Until July 1, 2016, a collective garden established
29 pursuant to, and operating in compliance with RCW 69.51A.085; or

30 (iv) The designated provider or qualifying patient in compliance
31 with section 27 of this act; or

32 (b) It is obtained and possessed by a person in an amount that
33 does not exceed those authorized in RCW 69.50.360 and was obtained
34 from a licensed marijuana retailer or retailer with a medical
35 marijuana endorsement operating in compliance with this chapter.

36 (2) Any person who violates this section is guilty of a class C
37 felony.

*Sec. 45 was vetoed. See message at end of chapter.

***Sec. 46. RCW 9.94A.518 and 2003 c 53 s 57 are each amended to read as follows:**

TABLE 4

**DRUG OFFENSES
INCLUDED WITHIN EACH
SERIOUSNESS LEVEL**

**III Any felony offense under chapter
69.50 RCW with a deadly weapon
special verdict under RCW
9.94A.602**

**Controlled Substance Homicide
(RCW 69.50.415)**

**Delivery of imitation controlled
substance by person eighteen or
over to person under eighteen
(RCW 69.52.030(2))**

**Involving a minor in drug dealing
(RCW 69.50.4015)**

**Manufacture of methamphetamine
(RCW 69.50.401(2)(b))**

**Over 18 and deliver heroin,
methamphetamine, a narcotic
from Schedule I or II, or
flunitrazepam from Schedule IV
to someone under 18 (RCW
69.50.406)**

**Over 18 and deliver narcotic from
Schedule III, IV, or V or a
nonnarcotic, except
flunitrazepam or
methamphetamine, from
Schedule I-V to someone under
18 and 3 years junior (RCW
69.50.406)**

*Possession of Ephedrine,
Pseudoephedrine, or Anhydrous
Ammonia with intent to
manufacture
methamphetamine (RCW
69.50.440)*

*Selling for profit (controlled or
counterfeit) any controlled
substance (RCW 69.50.410)*

*II Create, deliver, or possess a
counterfeit controlled substance
(RCW 69.50.4011)*

*Deliver or possess with intent to
deliver methamphetamine (RCW
69.50.401(2)(b))*

*Delivery of a material in lieu of a
controlled substance (RCW
69.50.4012)*

*Maintaining a Dwelling or Place for
Controlled Substances (RCW
69.50.402(1)(f))*

*Manufacture, deliver, or possess with
intent to deliver amphetamine
(RCW 69.50.401(2)(b))*

*Manufacture, deliver, or possess with
intent to deliver narcotics from
Schedule I or II or flunitrazepam
from Schedule IV (RCW
69.50.401(2)(a))*

*Manufacture, deliver, or possess with
intent to deliver narcotics from
Schedule III, IV, or V or
nonnarcotics from Schedule I-V
(except marijuana, amphetamine,
methamphetamines, or
flunitrazepam) (RCW
69.50.401(2) (c) through (e))*

*Manufacture, distribute, or possess
with intent to distribute an
imitation controlled substance
(RCW 69.52.030(1))*

I Forged Prescription (RCW 69.41.020)

*Forged Prescription for a Controlled
Substance (RCW 69.50.403)*

*Manufacture, deliver, or possess with
intent to deliver marijuana (RCW
69.50.401(2)(c))*

*Manufacture, deliver, or possess with
intent to deliver marijuana
pursuant to section 44 of this act*

*Possesses marijuana pursuant to
section 45 of this act*

*Possess Controlled Substance that is a
Narcotic from Schedule III, IV,
or V or Nonnarcotic from
Schedule I-V (RCW 69.50.4013)*

*Possession of Controlled Substance
that is either heroin or narcotics
from Schedule I or II (RCW
69.50.4013)*

*Unlawful Use of Building for Drug
Purposes (RCW 69.53.010)*

****Sec. 46 was vetoed. See message at end of chapter.***

NEW SECTION. **Sec. 47.** All references to the Washington state liquor control board must be construed as referring to the Washington state liquor and cannabis board. The code reviser must prepare legislation for the 2016 legislative session changing all references in the Revised Code of Washington from the Washington state liquor control board to the Washington state liquor and cannabis board.

NEW SECTION. **Sec. 48.** The following acts or parts of acts are each repealed:

(1) RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103 & 1999 c 2 s 3;

(2) RCW 69.51A.025 (Construction of chapter—Compliance with RCW 69.51A.040) and 2011 c 181 s 413;

(3) RCW 69.51A.047 (Failure to register or present valid documentation—Affirmative defense) and 2011 c 181 s 406;

(4) RCW 69.51A.070 (Addition of medical conditions) and 2007 c 371 s 7 & 1999 c 2 s 9;

(5) RCW 69.51A.090 (Applicability of valid documentation definition) and 2010 c 284 s 5;

(6) RCW 69.51A.140 (Counties, cities, towns—Authority to adopt and enforce requirements) and 2011 c 181 s 1102; and

(7) RCW 69.51A.200 (Evaluation) and 2011 c 181 s 1001.

NEW SECTION. **Sec. 49.** RCW 69.51A.085 (Collective gardens) and 2015 c ... s 32 (section 32 of this act) and 2011 c 181 s 403 are each repealed.

NEW SECTION. **Sec. 50.** Sections 12, 19, 20, 23 through 26, 31, 35, 40, and 49 of this act take effect July 1, 2016.

NEW SECTION. **Sec. 51.** Sections 21, 22, 32, and 33 of this act are necessary for the immediate preservation of the public health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

****NEW SECTION. Sec. 52. This act takes effect on the dates provided in sections 50 and 51 of this act if House Bill No. 2136, or any subsequent version of House Bill No. 2136, is enacted into law by October 1, 2015.***

****Sec. 52 was vetoed. See message at end of chapter.***

Passed by the Senate April 14, 2015.

Passed by the House April 10, 2015.

Approved by the Governor April 24, 2015, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 25, 2015.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 36, 42, 43, 44, 45, 46, and 52, Second Substitute Senate Bill No. 5052 entitled:

"AN ACT Relating to establishing the cannabis patient protection act.

After tremendous deliberation, compromise and hard work from our outstanding bipartisan sponsors and co-sponsors, committee chairs and ranking members from both houses, we have a measure that will create a medical marijuana system that works for our state.

I am committed to ensuring a system that serves patients well and makes medicine available in a safe and accessible manner, just like we would do for any medicine. That's what this bill strives to provide. It will help families of patients in real need.

As significant an accomplishment as this bill is for our state — and for patients to be ensured of having a safe place to get medicine they need — I know some remain concerned. These perspectives are important and compelling. I recognize the solution is not perfect. However, I do think this is far better than today's wholly unregulated system.

We will have options for patients and a system of strong enforcement to ensure public safety, especially for children. It is a good thing that this bill allows immediate enforcement of dispensaries to ensure they are not selling marijuana to kids.

I want to be clear that I am committed to implementing this law effectively by ensuring cooperatives are safe for patients in need, not sources of illicit diversion in our communities. To this end, I have directed the Liquor Control Board to work with the Attorney General's Office and local law enforcement to consider all options to ensure patient and public safety.

I also want to reassure you that the Department of Health will create an authorization form that will continue to honor the doctor-patient relationship.

While this bill takes a tremendous step forward, a large volume remains of unfinished work on marijuana tax policy, enforcement, local revenue sharing and funding for public health prevention programs. I strongly support efforts to address these items — and call on legislators to finish the job and provide the tools necessary to ensure a well-regulated and functioning marijuana market in our state.

I am vetoing the following sections:

Section 36. This section prohibits employers of health care providers from limiting medical marijuana recommendations to patients. This is an employment law provision that may cause confusion and potential unintended consequences. This section was added without adequate input.

The sponsors of this legislation have also requested this provision be vetoed to allow time for further discussion to develop appropriate policy.

Sections 42 and 43. These sections remove from Schedule I of our state's Controlled Substances Act any medical marijuana product. This is a laudable idea and I appreciate the intent to reduce the stigma of medical marijuana by rescheduling it from a Schedule I — an illegal — controlled substance to something more appropriate. However, our state's rescheduling system has very limited effect, and rescheduling just medicinal marijuana — not the entire cannabis plant and derivatives — may cause serious problems such as having the

unintended effect of limiting the types of marijuana that are considered medicine. To that end, I have instructed the Department of Health to thoroughly consider this idea in consultation with medical professionals and stakeholders, and bring an appropriate resolution to me and the Legislature by next year. Furthermore, I will continue to advocate for the federal government to consider a national rescheduling solution, which may be most beneficial, considering the limited power that state rescheduling has in this respect.

Sections 44, 45 and 46. These sections create new felonies in our criminal code. Washington state does not need additional criminal penalties related to medical marijuana. Moreover, these sections were added as part of the same amendment that created sections 42 and 43 that would have rescheduled medical marijuana. Because I have vetoed sections 42 and 43, sections 44, 45, and 46 are also unnecessary.

Section 52. This section makes Senate Bill 5052 contingent on the enactment of some version of House Bill 2136 by October 1, 2015. This contingent effective date causes confusion and potentially conflicts with other effective dates in Senate Bill 5052. In addition, if the Legislature is unable to pass a version of House Bill 2136, the Code Reviser's Office has advised me that this provision acts as a null and void clause, in which case we risk jeopardizing the integrity of the system created in this bill. I strongly agree with the need for additional policy and administrative changes to ensure a well-regulated and functioning marijuana market. However, this bill should not be made contingent on those changes.

For these reasons I have vetoed Sections 36, 42, 43, 44, 45, 46, and 52 of Second Substitute Senate Bill No. 5052.

With the exception of Sections 36, 42, 43, 44, 45, 46, and 52, Second Substitute Senate Bill No. 5052 is approved."